

TERMES DE LA LEY

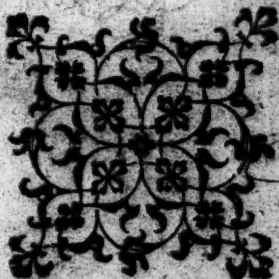
OR,

Certaine difficult and obscure
Words and Termes of the Common
Lawes and Statutes of this Realme now
in use expounded and explained,

Newly imprinted, and much in-
larged and augmented.

With a new Addition of
above two hundred and fifty words.

Hox. *Multa renascentur quæ jam ceciderunt, cadentque
Quæ nunc sunt in bonare vocabula, si volueris.*



L O N D O N,

Printed by Ios: Beale and Rich: Hearne, for
the benefit of all that are Students in the Common
Lawes of this Realme, 1641.

CY ENSUIST LE TABLE DE TOUTS LES TITLES CONTEINUS

en cest Lieur ; auxy bien ceux que furent par
devant, come tels queux sont nouvelment
adjoindre, que vous trovers signes ove
cest asterisme. *

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Travers

TERMES OF THE LAW.

Abatement of a Writ
or Plaint.

Abatement de briefe
ou Plaint.

A Batement of a Writ
or Plaint, is when
any actio is brought
by writ of Plaint,
wherein is lacke of
sufficient and good matter,
or else the matter alledged
is not certainly set downe,
or if the Plaintife or De-
fendant, or place are misna-
med, or if there appeare va-
riance betwene the Writ and
the Specialty, or Record,
or that the Writ or the Decla-
ration bee uncertaine, or for
death of the Plaintife or De-
fendant, and for diuers other
like causes, than upon those
defaults, the Defendant may
pray, that the writ of Plaint
may abate, that is to say, that
the Plaintifes suit against
him may cease for that time, &
that he shall begin againe his
suit, and bring a new writ of
Plaint, if hee be so disposed to
doe. But if the Defendant in
any Action pleade a matter in
Barre, for to adnuill the action
for ever, he shall not come af-
terwards to pleade in Abate-
ment of the writ, but if after it

A Batement de Briefe
ou Plaint, est quant
un action est port
per Briefe ou plaint,
in que fault suffici-
ent, & bone matter ou auter-
ment le matter alleage nest
certainment alleage, ou si le
Plaintife ou Defendant, ou
lieu sont misnommz, ou si la
appeare variance perenter le
Briefe & le Specialtie, ou
Recorde, ou que le Briefe
ou Declaration sont uncer-
taine, ou p mort del Plain-
tife ou Defendant, & pur
divers auters semblable cau-
ses, donques sur ceux Defaults,
le Defendaunt poit prier que
le Briefe ou Plaint abatera,
cest adire, que le suit del
Plaintife envers luy cessera
pur cest temps, & que il
commencera auter temps son
suit, & port un novel Briefe
ou plaint, sil soit issint dispose
a faire. Mes si le Defendant en
ascun action plede un mat-
ter en barre pur adnuller
de Action a tous jours, il
ne viendra apres a pleder en
abatement de Briefe, mes si
B apres

The Exposition of

apres il apiert en le Record, que est ascun matter apparant pur que le Brieft doit estre abate, donque le Defendant ou ascun auter person, ut amicus curie poit bien plede & monstre ceo en arrest de judgement.

Veies les titles de brieft Misnomer, & Variance en les Abridgements, & le li-
ver appel le Digests del Briefes, en quest est fort bien entreat especialment de ceux matters.

appeare in the Record, That there is some matter apparant for the which the writ ought to be abated, then the Defendant, or any person, as a friend to the Court may well pleade and shew cause in arrest of judgement.

See the titles of Writs, Misnomer, and Variance in the Abridgements, and the Booke called the Digests of Writs, in which it is very well entreated, especially of these matters.

	Fault de sufficient ou bone matter.		
	Le matter nest certainement alledge.		
Causes de abatement de Brieft ou Plaint.	Plaintife, Defendant, ou Lieu	} Misnomer.	
	Variance enter		} Brieft, Specialty, ou Record.
	Uncertainty del	} Brieft, Count, ou Declaration.	
	Mort		

Abatement en terres.

A Batement en terres ou Tenements, est quant un home morust seisie de terres ou Tenements, & un que nad droit entra in mesmes les terres ou tenements devaunt que le heire fait son entre, cest entry de

Abatement in lands.

A Batement in lands or tenements, is when a man dies seised of lands or tenements & one that hath no right entereth into the same lands or tenements before the heire maketh his entry, this entry

him is called an abatement, & he an Abator. But if the heire enter first after the death of his Ancestour, and the other enter upon the possession of the heire, this entry of him is a disseisin to the heire. Look in the Book of Entries, fol. 63. c. & 205. d. & 519. c. Where this word Abatement is called in Latine Intrusio. And I think it better to call it in Latine, Interpositio, or Intratio p interpositionem, to make a difference between this word and intrusion after the death of the tenant for life.

luy est appell'un Abatement, & il un Abator. Mes si le hr'e enter primes apres le mort de son ancestour, & le auter enter sur le possession del heire, cest entry de luy est un disseisin al heire. Vide li-eur Dentries, fo. 63. c. & 205. d. & 519. c. lou cest abatement est appel en Latine, Intrusio. Et ieo entend destre melius de appeller ceo en Latine, Interpositio, ou intratio p interpositionem, de faire difference enter ceo parol & intrusion puis le mort de le tenant pur vie.

3 Abbot.

ABbot, was the sovereign head, or chiefe of those houses, which whē they stood were called Abbies, and this Abbot together with the Monks of the same House, who were called the Covent, made a Corporation: such a Sovereign of any such House, shall not be charged by the act of his Predecessor, if it be not by Common Seale, or for such things which come to the use of his house. Also an Abbot shall not bee charged for the Debt of his Monke before his entry in Religion, though the creditor have an especialty thereof, except it have come to the use of his house: But the Executors of the Monke shall be charged therewith.

Look for this in the Abzdgments, the same Title, under which you shall see that some

Abbe.

ABbe fuit le souverain re-ste, ou principall de ceux meafons, queux qnt ils fuer' fueront appel Abbeyes, & cest abbe ensemble oue les Moigns de m le meafon, queux fueront appell le couent, siere un Corporac', & tiel souverain de ascun tiel meafon ne serra charge per le act de son predeceslor, si ne soit per common seale, ou p tiel chose que vient al use de son meafon. Auxy un Abbe ne serra charge per le det en que son cōmoigne fuit in det devant so entf in Religio mes que le creditor ad de ceo un especialty, si non que il avoit deuenus al use de son meafon: Mes les executors del com-moigne serr' charge oue ceo.

Vide p ceo en le Abridge-ments mesme title, de south quel veies coment ascuns de
B 2 ceux

The Exposition of

ceux fueront elective, ascun presentative. Et coment fueront prefeits, & leur authority. Et in cel title sont auxy comprehend tous autres Corporations spirituell, come Prior & son Covent, Friers & Canons, Deane & Chapter.

4 Abbettors.

Abbettors sont in divers cas ses diversement prise: un kind de abbettours sont ceux q malicieusement sans droiture cause ou desert, procurer aus d fuer faux appeals de murder ou felony enuers homes al intent de troubler & greever eux, & pur faire eux en infamie & flander. Abbettors en murder sont ceux que command, procure, counsell, ou comfort aus d murder. Et en asc' case tiel abbettors ferreront prises come principals, & en ascun case forsque come accessories: Isint en autre felonies. Et leur presence a le chose fait, & leur absence d la, fait un difference en le case. Il y ad abbettors auxi en treason, mes ils sont en cas come principals, car en treason il ny ad ascun accessories.

Veies plus de ceo en le liure appelle les ples del Corone, compile per le tresreverend judge Sir W. Stamford, en les titles de Accessories, & Damages en appeal.

5 Abeiance.

ABeiance est quant un lease est fait pur terme de vie,

of them were elective, some presentative. And how they were made governours, and their authority. And in this title are also comprehended all other Corporations spiritual, as Prior and his Covent, Friers and Canons, Deans and Chapter.

Abbettors.

Abbettors are in divers cases diversly taken. One kinde of Abbettors are they that maliciously without just cause or desert doe procure others to sue false appeals of murder or felony against men, to the intent to trouble & grieve them, & to bring them to infamy and slander. Abbettors in murders are those that command, procure, counsel, or comfort others to murder. And in some case such abbettors shall be taken as principals, and in some case but as accessories: So in other felonies. And their presence at the deed doing, and their absence maketh a difference in the case. There are Abbettors also in treason, but they are in case as principals, for in treason there are no accessories.

Looke more in the Books called the Ples of the Crowne, made by the right worshipfull Judge Sir W. Stamford, in the titles of Accessories, and Damages in appeal.

Abeiance.

ABeiance is when a lease is made for terms of life, the remainder

remainder to the right heyres
of J. S. which J. S. is li-
ving at the time of the grant,
now by this grant the re-
mainder passeth from the
grantor presently, yet it
besteth not presently, nor ta-
keth hold in the Grantor, that
is to say, the right heyre of
J. S. but is said to be in A-
beyance, or else as the Logi-
cians terme it in posse, or in
understanding, and as we say
in the clouds, that is to wit,
in the consideration of the
Law, that if J. S. die ha-
ving a right heire, and living
the lessee for life, then this
is a good remainder, and now
besteth and cometh in to the
right heir, in such sort, as that
he may grant, forfeite, or other-
wise dispose the same, and cea-
seth to be any more in abey-
ance, for that there is one now
of ability to take it, because
that J. S. is dead, & hath left
a right heir in life, which could
not be, living J. S. for that
during his life none could
properly bee said his heirs.
Also if a man be a patron of a
Church, and presenteth one to
the same, now is the fee of
the lands and tenements per-
taining to the rectory in the
parson, but if the parson die &
the Church is become voyd,
then is the fee in abeyance, un-
till there be a new parson pre-
sented, admitted, and inducted,
for the patron hath not the fee,
but only the right to present,
and the fee is in the incumbent

le remainder al droit heires
de I. S. le quel I. S. est en vie
al temps del grant, ore per-
cest grant le remainder passa
hors del grantor maintenant,
uncof il ne vesta maintenant,
ne prist effect en le grantee,
cest adire le droit heire de
I. S. mes est dit destre en a-
beyance, ou come les Logici-
ens appelle ceo in potentia,
ou in intellectu, & come
nous dicimus in nubib⁹, cest-
ascavoir, en le consideration
de le ley, Que si I. S. mo-
rust ayant un droit heire
en vie, & viuant le lessee
pur vie, donques ceo est
un bone remainder, & a ore
veste & vient en le dir droit
heire, en tiel sort que il poir
graunt, forfait, ou autrement
dispose ceo, & cessa destre ore
en abeyance, pur ceo que il
est un a ore de abilitie pur
prendre ceo, pur ceo que I. S.
est mort & ad relinquish un
droit heire en vie, le quel ne
poir, estre viuant I. S. car du-
rât sō vie nul poir pperment
estr dit son heire. Item si un
home soit patron dun esglis,
& present auter a ceo, Ore est
le fee d's terres ou tenemens
perteignant al rectorie en le
parson, mes si le parson mo-
rust & le esglise est deuenus
voide, donque est le fee en
abeyance, tanque il soit un
novel parson present, admis
& induct, car le patron nad
le fee, mes seulement le droit
de presenter, & le fee est en le
incumbent, quo est present,

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& puis son mort, il nē en ascun, mes in abeyance, tanque il soit un novel incumbent come est avant dir.

Veies Litt lib.3. cap.11. f. 145. & Perk. f.12.

6 Abisherling.

ABisherling (& in ascun copies Misherling) hoc est quicq̃ esse de amerciamētis coram quibuscunque de transgression probata.

7 Abjuration.

ABjuration est un serement, que home ou feme pregn ount quaut ils ount commisse felony, & fue al Eglise ou cimitery, ou auter lieu privilege purtution de lour vies eslisant pluistost perpetuall banishment hors de Royalm, que a estoyer a le ley, & destre trie del felony. En cel case deuant le Coroner il serra tiel confession que puit faire sufficient enditement de felony, donques le Coroner al common ley luy ferra de abjure la Realme, & assignera a luy a quel Port il alera, & luy jura que il ne va hors del hault chymyn, & que il ne demurra a le port, (si il poit aver bone passage) forsque un flood & un ebbe, & si il ne poyt aver passage, que il alera chescun jour duraunt x1. jours en le mere a son genu; Mes si tiel felon que abjure ala hors de la chymyn, & fue

that is presented, & after his death, it is in no body but in abeyance, till there be a new incumbent as is aforesaid.

See Litt lib.3. books ca.11. f.145. And Perk. f.12.

Abisherling.

ABisherling (and in some copies Misherling) that is, to be quit of amercements before whomsoever of transgression proved.

Abjuration.

ABjuration is an oath that a man or woman shall take when they have committed felony, and fly to the Church or churchyard, or to any other place privileged for safeguard of their lives, choosing rather perpetuall banishment out of the realm, than to stand to the law, & to be tried of the felony, in which case before the Coroner he shall make such confession, which may make a sufficient inditement of felony, then the Coroner at the common law shall make him to forswear the Realm, & shall assign him to what port he shall goe, and shall swear him that he goe not out of the high way, & that he should not abide at the port (if he may have good passage) but one flood and one ebbe, & if he cannot have passage, then he shall goe every day during xl. daies in the sea to the next. But if such a felon as abjureth goe out of the high way, & flyeth to another place, if he

be taken, he shall be brought before the Judge, and there shall have judgement to bee hanged. But if he which so prayeth the priviledge will not abjure, then hee shall have the priviledge for xl. dayes, and every man may give him meat and drinke. But if any give him sustenance after xl. dayes, although it be his wife, such giving is felony. Also he that doth abjure shall be delivered from one Constable to another, & from one franchise to another, till that he come to his port, and if the Constable will not receive him, hee shall be grievously amerced. Look the Oath in the Treatise de Abjuracione Latronum.

And this Law was instituted by S. Edward the Confessor, a King of this Realme before the Conquest, and was grounded upon the law of mercy, & for the love and reverence, no doubt, that he and other his successors did beare unto the house of God, or place of prayer and administration of his Word & Sacraments, which wee call the Church. Note, this law is now changed by the Statutes 21. H. 8. cap. 2. 22. H. 8. cap. 14. and 32. H. 8. cap. 12. by which it appeareth, that hee at this day shall not abjure the Realme, but all his liberty of this Realme, and all his libertail and free habitations, resorts, and passages from all places of this Realme, to one certaine

a autre lieu, si il soit prise, il serra amefne devaunt le Judge, & la auera judgement destre pendus. Mes sil que issint pria la privilege ne voile abjure, donques il auera la privilege p^r xl. jours, & chescun poit luy doner viand. Mes si ascun done luy viand apres xl. jours, mesque il soit sa feme, tiel doner est felony. Auxy cestuy que abjure serra deliver per un Constable al autre, & de un franchise al autre tanque il vient a son port, & si le Constable ne voit receive luy, il serra grievousment amerce. Vide Juramentum in tractu de Abjuracione Latronum.

Et cest ley fuit institute per S. Edward le Confesseur, un Roy de cest Realme deuant le Conquest, & tuit ground de le ley de mercie, & pu le amour & reverence, sans doubte, que il & autres ses successeurs porteront al meason de dieu, ou lieu de priers & administration de son parol & Sacraments, le quel nous appelloms Eglise. Nota cel ley est ore change per Statutes 21. H. 8. cap. 2. 22. H. 8. cap. 14. & 32. H. 8. cap. 12. p^r queux appiert, que il a cel jour ne abjurera le Realme, eins tout son libertie de cest Realme, & tout son liberal & frank habitations, resorts, & passage de routs lieux de cest Realme, a un certaine lieu en cel Realme a ceo limit
B 4 per

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per 32. Hen. 8. cap. 13. & 33. Henr. 8. capif. 15. Vide plus in Stamford libr. 2. cap. 10. & vide ore lestat. 1. Jac. cap. 25. & 21. Jac. cap. 28. pur repeale des tous statutes que concerne persons que abjure, & le toller des tous Sanctuaries.

8 Abridgement le plaint ou demand.

A Bridgement de plaint ou demand est lou un port un Assise, brief de dower, briefe de gard, ou tiel semblables, en queux cases ꝑ ceo que le briefe de Assise est, de libero tenemto, come en bfe de dower, le briefe est Rationabilem dotem quæ eam contingit de libero tenemento W. son baron. Et en un briefe de gard, le bfe est, Custod̃ terrarum & hæredis, &c. sans monstre aucun aut certaintie en les briefes; mes en le plaint del assise ou demaunde en le briefe de dower, & en le count en briefe de gard, le plaintife ou demandant monstra le certaintie des acres, ou parcells de terre, la si le tenant plede Nontenure, ou Jointenancy, ou aucun aut tiel semblable pleea parcell del terre demand en abatement del bfe, donques le plaintife ou demandant poit abridger son plaint ou demaund al cest parcel, cest adire, il poit omit hors cest pt. & prie que le tenant respond̃ al rest, a que

place in this Realme thereto limited by 32. H. 8. cap. 15. *Loke moze in Stamf. libr. 2. cap. 10. & loke now the Statutes* 1. Jac. cap. 25. and 21. Jac. cap. 28. for the repeals of all Statutes concerning abjured persons, and the taking away of all Sanctuaries.

Abridgement of a plaint or demaund.

A Bridgement of a plaint or demand, is where one bringeth an Assise, writ of Dower, writ of ward, or such like, in which cases for that the writ of Assise is, de libero tenemento, as in a writ of Dower, the writ is Rationabilem dotem quæ eam contingit de libero tenemento W. her husband. And in a writ of ward the writ is, Custod̃ terrarū & hæredis, &c. without shewing any certaintie in these writs: But in the plaint of the Assise, or demand in the writ of dower, and in the Count in the writ of ward, the Plaintiff or Demandant is to shew the certaintie of the acres, or parcels of land, then if the tenant pleadeth Nontenure, or Jointenancy, or some other such like plea to parcell of the land demanded in abatement of the writ, then the Plaintiff or Demandant may abridge his plaint or demand to that parcell, that is to say, he may leave out that part, and pray that the tenant shall answer the

the rest, to which he hath not yet pleaded any thing. The cause is, for that in such writs the certaintie is not set down, but is generally: and notwithstanding the demandant hath abridged his plaint or demand in part, yet the writ remaineth good still for the rest.

il ne ad unc, plede asc' chose. Le cause est p' ceo q' en tielx briefes le certaintie né mis, mes est generalment: & nient obstant le demandant ad abridge son plaint ou demand en part, uncore le brieve demurre bon pur le residue.

9 Accedas ad Curiam.

Accedas ad Curiam.

Accedas ad Curiam, is a writ directed to the Sheriffe, commanding him to goe to such a Court of some Lord or franchise, where a plaint is sued for taking of beasts as a distresse, or any false judgement is supposed to be made in any suit which hath bene in such a Court, which is not a Court of Record, and that the Sheriffe shall there make record of the said suit in presence of the suitors of the same Court, and of four other knights of the Countie, and certifie it into the Kings Court, and at that day that is limited in the writ.

Accedas ad Curiam, est un brieve direct al Vicont, luy commaundant de aler a tiel court dascun Seignour ou franchise, lou un plaint est sue pur prisel del auers come distresse, ou ascun faux judgement est suppose destre fait en ascun suit que suit en tiel court, quel nest court de record, & que le Vicount la ferra record del dit suit en presence del sutors de mesme le court, & de quatuor auters Chivalers de le Countie, & ceo recorde certifiera al Court le Roy, & a cel jour quel est assigne en le brieve.

10 Accedas ad Vicecomitem.

Accedas ad Vicecomitem.

Accedas ad Vicecomité, is a writ directed to the Coroner, commanding him to deliver a writ to the Sheriffe, who habing a Pone delivered him, suppresseth it. Regist. orig. 83.

Accedas ad Vicecomitem est un brieve direct al Coroner, luy commaundant a deliuer un brieve al Vicont, que aiant un Pone a luy deliuer, ceo suppressé. Register orig. 83.

11 Acceptance.

Acceptance.

Aceptance is a taking in good part, and as it were an agreeing unto some act done before, which might have bin undone

Aceptance est un, predrance en bon gree, & cõe un agreement al ascun chose fait deuant, le quel puit auer

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auer este un fait & avoide (si riel acceptance nad estre) per luy ou ceux que issint accepta, sicome p exemple, si un Euesque deuant statute fait anñ primo Eliz. leste le terre part del possessions d son Evesquery p ans reservant rent & morust, & puis un auf est fait Euesque, le quel accepta, cest adire, prist ou receive le rent quant il est due & doit estre pay, ore p cest acceptance le lease est fait pfect & bon, le quel autrement le novel Euesque poit affets bien avoid & faire frustrate.

Semblable ley est, si un home & sa feme seisi de verres en droit del feme joyne & sont lease ou feoffement per fait reservant rent, & le baron morust, el accepta ou receiva l'rent, per cel le feoffement ou lease est fait perfect & bon, & serra barre a luy de porter sa brieve appell Cui in vita.

12

Accessories.

Accessories sont en deux sorts, per le Common ley & per le Statute ley: Accessory per le Common ley est auxy en deux sorts, lun avant le fact, le autre puis le fact fait. Accessory devant le fait, est celuy que commanda ou procura autre de faire felony, & nest la present luy mesme quant l'autre le fait, mes sil soit present, donques il est auxy

undone and aboyded (if such acceptance had not bin) by him or them that so accepted, as for example, if a Bishop before the Statute made in the first year of Eliz. lease part of the possessions of his Bishoprick for terme of yeares, reserving rent & dyeth, and after another is made Bishop, who accepteth, that is to say, taketh or receiveth the rent when it is due and ought to be payed, now by this acceptance the lease is made perfect and good, which else the new Bishop might very well have aboyded & made frustrate.

The like law is, if a man and his wife seised of land in the right of the wife, joyne and make a lease or feoffement by deed, reserving rent, and the husband dyeth, she accepteth or receiveth the rent, by this the feoffement or lease is made perfect and good, and shall bar her to bring her Writ called Cui in vita.

Accessories.

Accessories are in two sorts, by the common law and by the Statute law. Accessory by the Common Law is also of two sorts, the one before the offence, the other after the offence is done. Accessory before the fact, or offence, is he that commandeth or procureth another to doe felony, and is not there present himselfe when the other doeth it, but if he be present, then he

is also principall. Accessorie after the offence, is he that receiveth, savoureth, aydeth, assisteth, or comforteth any man that hath done any murder, or felony, whereof hee hath knowledge, such an accessorie shall be punished, and shall have judgement of life & member, as well as the principall which did the felony: but such an accessorie shall never bee put to that till the principall bee attaint or convicted, or be outlawed thereupon. In manslaughter a man cannot bee accessorie before the fact, for manslaughter ought to ensue upon a sudden debate or affray, for if it be premeditated, it is murder. Co. li. 4. fo. 44. a.

But a woman in such case shall not be accessory for helping her husband. In great or high treason as well the commanders as the assisters and receivers after, bee alwayes principalls.

If a man counselleth a woman to murder the childe being in her body, and after the childe is borne, and then is murdered by the woman in the absence of him that so gave the counsell, yet hee is accessory by his counselling before the birth of the infant, & not countermanding it. Dyer fol. 186. pla. 2.

Also one may be accessory to an accessorie, as if one feloniously receive another that is accessorie to felony, there

principal. Accessorie puis le fait est celui que receiva, favour, aida, assist, ou comfort ascun home que ad fait ascun murder, ou felonie, dont il ad conusans, tiel accessorie serra punish, & avera judgement de vie & de member, auxy bien come le principall que fist le felonie: Mes tiel accessorie ne serra iammes mis a resposdu a ceo ranque le principal soit conviēt ou attaint, ou soit utlage d'ceo. En manslaughter home ne poit estre accessorie deuant le fait, car manslaughter covient ensuer sur sodaine debate ou affray, car si soit premeditate, ceo est murder. Co. lib. 4. fol. 44. a.

Mes un feme en tiel case ne serra accessorie pur le aider de son baron. En grand ou hault Treason cibien les commanders, come les assisters & receivers apres, sont tous foits principalls.

Si home counsel un feme a murder lenfant esteant en sa venter, & apres lenfant est nee, & donque est murder per le feme en le absence de cestuy que issint done le counsell, uncore il est accessory person counselling devant le nestre del enfant, & nient ceo countermandant. Dyer fol. 186. pl. 2.

Auxy un poit estr'accessorie al accessorie, si come un feloniousmt receive un autre q̄ est accessorie al felony, la

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le receivor est un accessory.

Accessory per le statute est tiel que abet, counsell, ou receive aucun home que commit ou ad commit aucun offence fait felonie per statute: Car coment que le statute ne fait mention daccessories, abettors, &c. uncore ils sont include per le interpretation des dits statutes. Stamf. ple. Cor. lib. i. cap. 45. 46. 47. 48.

Veies pluis del accessorie in le dit Lieur de les Plees d'l Corone, le prim lieur, cap. 44. 45. 46. 47. 48. 49. & 50.

13

Action.

Action est le forme de un suit done p le ley de recover chose, come action de Det, & tielx semblable, ou come est Co. 8. f. 151. a. Actio est jus prosequend' in judic' quod alicui debetur.

Vide Lexicon Juris pur action.

14 Actions personels.

Actions personels sont tiels actions per queux hom clame dette ou auter biens & chateux, ou damag' p eux, ou damage p tort fait a son pson, & est pperment ce q en le civil ley est appel actio in personam, que adversus eum intenditur, qui ex contractu vel delicto obligatus est aliquid dare ou concedere.

the receivor, is an accessorie.

Accessory by the statute is such a one that abetteth, counselleth, or receiveth any man which committeth or hath committed any offence, made felonie by statute: for although the statute doth not make mention of accessories, abettors, &c. yet they are included by the interpretation of the said statutes. Stamf. pl^r. cor. lib. i. c. 45. 46. 47. 48.

See more of accessory in the said booke of Pleas of the Crowne, the first booke cap. 44. 45. 46. 47. 48. 49. & 50.

Action.

Action is the forme of a suit given by the law to recover a thing, as an action of Debt, and such like, or as it is Co. 8. f. 151. a. An action is a right of prosecuting in judgement of a thing which is due unto any one.

See the Lexicon of the Law for action.

Actions personals.

Actions personals be such actions whereby a man claimeth debt, or other goods and chattels, or damage for them, or damages for wrong done to his person, and it is properly that which in the civil law is called actio in personam, which is brought against him who is bound by covenant or default to give or grant any thing.

Actions

Actions reals.

Actions reals be such actions whereby the demandant claime title to any lands or tenements, rents, or commons, in fee-simple, fee-tail, or for terme of life. Every action real is either possessory, that is to say, of his own possession or seisin, or ancestor's. of the seisin or possession of his ancestor. Co.lib. 6. fol. 3.

Action popular.

Action popular is an action which is given upon the breach of some penall Statute, the which action every man that will, may sue for himselfe and the King, by information or otherwise, as the Statute alloweth, and the case requireth. And of these actions there bee an infinite number, but one for example: as when any of the Jury that are impanelled and sworn to passe between party and party indifferently, doe take any thing of the one side or other, or of both parties to say their verdicts on that side, then any man that will within the yeare following, the offence made may sue a Writ called Decies tantum, against him or them that so did take to give his verdict, and because that this action is not given to one specially, but generally to any of the K. people as will sue, it is called an action popular, but in

Actions reals.

Actions reals sont tiels actions per queux le demandant claime title al ascun fies ou tenements, rent ou commons, in fee-simple, fee-tail, ou p terme de vie. Chescun action real est ou possessory, c'esta scavoir de son possession ou seisin demesne, ou ancestrel sc. del seisin ou possession de son ancestor, Co. lib. 6. fol. 3.

Action populer.

Action populer est un action que est done sur le breach dascun penall statute le quel action chescun home que voit poyt suer pur luy mesme & le Roy, per information ou autrement, come le statute allow & le case require. Et de ceux actions il y ad infinite number, mes un pur exemple est: Quant ascun del Jury que sont impannel & jurus de passer perenter party & party indifferment, prist ascun chose de lun part ou l'autre, ou de ambideux parties pur leur verdict dire al ceo part, donques ascun hom que voit deins lan procheine ensuant le offence fait, poit suer un brieve appel Decies tantum enuers luy, ou ceux que issint prist p leur verdict dire, & pur ceo q cest action nest done al un home specialment, mes generalment al ascun de les people del Roy q voit

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voit fuer, il appel un action populer, mes en cel cas, quant un avoit cōmence de pursuer cel acc' nul aut' poit c' fuer, & en c' cōe sēe cel vary del action populer p le Civil ley.

17 Action mixt.

Action mixt est un suit done per la ley de recover le chose demand, & auxy damages p le tort fait, come en Assise d' Nouel disseisin, quel brieve (si le disseisor fait feoffment al aut') le disseisee aia vers le disseisor & le tesse ou auter ter-tenant, & en ceo recovera son seisin del terre & ses damages pur le meane profits, & pur le tort a luy fait. Et isint est un action de Wast & Quare impedit. Mes un action de Detenue nest appel action mixt, comment per ceo de chose detenus est demand, & serra recover si poit estre troue, & damages pur le detain, & si ne poit estre troue, donque damages pur la chose & la detainer.

Mes ceo est appel solemt action personall, que serra port solement pur biens ou chattels, ou charters.

18 Action del brieve.

Action del brieve est un phrase del parlance, use quant un plede ascun matter, per q il monst' que le pl' nad cause daver le bfe q il port, & uncof poit estre que il poit aver

this case when one hath begun to pursue an action, neither may sue it, and in this case it seemeth, this doth vary from an action popular by the Civill Law.

Action mixt.

Action mixt is a suit given by the Law to recover the thing demanded, also damages for the wrong done, as in Assise of No. diss. the which writ (if the disseisor make a feoff. to another) the disseisee shall have against the disseisor and the feoffes or other ter-tenant, and thereby shall recover his seisin of the land & his damages for the meane profits, and for the wrong done unto him. And so is an action of Wast & Quar' impf. But an action of Detenue is not called an action mixt, although by it the thing withheld is demanded, and shall be recovered if it may be found, and damages for the withholding, and if it cannot be found, then damages for the thing and the detaining.

But that is called onely an action personall, because that it should be brought onely for goods & chattels, or charters.

Action of a Writ.

Action of a Writ, is a phrase of a speech used when one pleadeth some matter by which he sheweth the plaintiffe had no cause to have the writ which he brought, and yet it may be that he may have another

ther wozit oz action for the same matter: such a plee is called a plee to the action of the wozit, whereas if by the plee it should appeare that the plaintife hath no cause to have an action, for the thing demanded, then it shall be called a plee to the action.

19 Action upon the case.

Action upon the case, is a wozit brought against one for an offence done without force, as for not performing promise made by the def. to the plaintife, oz for speaking of words by which the plaintife is defamed, oz for other misdemeanour oz deceit, where the whole case shall be contained in the wozit.

Action upon the statutes.

Action upon the statutes, is a wozit founded upon any statute, whereby an action is given to one in any case where no action was before: As where one committeth perjury to the prejudice of another, he which is indamaged shall have a wozit upon the statute and his cause: And the difference betwene an action upon the stat. & action popular is, that where the statute giveth the suit oz action to the party grieved, oz otherwise to one person certaine, that is called action upon the statute. But where by the statute authority is given to every one that will so sue, that is termed action popular.

auter brieve ou action p mesm le matter, tiel plee est appel plee al action del brieve, lou si per la plee appiert que le plainf n'averroit aucun cause de aver aucun action pur le chose demand, donques ceo serra dit plee al action.

Action sur le case.

Action sur le case est brief port enuers un pur aucun offence fait sans force, cōe p nient performance del promise fait per le defendant al plaintife ou pur parlançe des pols pur queux le plaintife est defame, ou pur auter misdemeanour ou deceit, lou tout le case serra contenu en le brieve.

Action sur le statute.

Action sur le statute, est brieve foundue sur aucun estatute, lou per aucun estatute action est done a un en alcun case lou nul tiel action fuit deuant: Come lou un commit perjury al prejudice dun auter, celui que est damnifie avera brieve sur le statute & son case. Et le difference enter action sur le statut & action populer est, que lou le statute done le suit ou action al party grieve, ou autrement, a un person certaine, ceo est appel action sur le statute: Mes lou per le statute authoritie est done a chescun que voile de suer, ceo est appel acc' populer.

Accompt.

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Accompt.

Accompt est un briefe, & gift lou Baylife ou receiuer dascun seignior ou dauter home, que doit render accompt, ne voit render son accompt, donques celuy a que laaccompt doit estre render, auera cest briefe. Et per lestatute de Westminster 2. capitulo 10. si laaccomptant soit troue en arrerages, les Auditors que sont a luy assignes, ont power de agarder luy a prison, la a demurrer tanque il ad fait gree al pty. Mes si les Auditors ne voylont allower reasonable expence & costage, ou sils chargeront luy oue plusors receipts quant ne duissent, donques son procheine amy que voit suer pur luy, suera un briefe de Ex parte talis hors del Chancerie, direct al Vicont de prender 4. Mainpernors de rendr son corps devant les Baron del Exchequer a certain jour, & d'garner le Seignior dappearer la a mesme le jour.

Accord.

Accord est un agreement perenter deux al meins pur satisfe un offence que le un ad fait al auter, quant un home ad fait un trespasse, ou tiel semblable al auter, pur le quel il ad agree oue luy de satisfaire & content luy oue recompence, quel si soit execute & performe, donques

Accompt.

Accompt is a writ, and lyeth where a Baylife or a receiuer to any Lord or other man, which ought to render accompt, will not giue his account, then hee to whom the account ought to be giuen, shall haue this writ. And by the Statute of Westminster. 2. Chap. 10. if the Accomptant be found in arerages, the Auditors which bee assigned to him, haue power to award him to prison, there to abide till hee haue made agreement to the party. But if the Auditors will not allow reasonable expence & costs, or if they charge him with mo receipts than they ought, then his next friend that will sue for him, shall sue a writ of Ex parte talis out of the Chancery directed to the Sheriffe to take soure Mainpernors to bring his body before the Barons of the Exchequer at a certaine day, and to warn the Lord to appeare there at a certaine day.

Accord.

Accord is an agreement betweens two at the least, to satisfe an offence that the one hath made to the other, when a man hath done a trespasse, or such like unto another, for the which hee hath agreed with him to satisfe and content him with some recompence, which if it be executed and performed,

Termes of the Law.

med, then because that this recompence is a full satisfaction for the offence, it shall be a good barre in the law, if the other after the accord perfozmed, should sue againe any action for the same trespasse.

Note, that the first is properly called an accord, the other a contract.

pur ceo que cest recompence est un pleine satisfaction pur le offence, serra un bon barre en le ley, si l'auter apres l'accord perfozme, voit luer arere un action pur mesme le trespasse.

Nota que le primer est proprement appelle un Accord, le aut est un contract.

22 Acquittall.

A Quitall is where there is a Lord, mesne and tenant, & the tenant holdeth of the mesne certain lands or tenements in frankalmoigne, frankmarriage, or such like, & the mesne holdeth over also of the Lord paramount, or above him. Now ought the mesne to acquite or discharge the tenant of all and every manner of service, that any other should have or demand of him, concerning the same lands or tenements, for that the tenant must doe his service to the mesne onely, and not to divers Lords for one tenement or parcell of land. The same law is where there is one Lord mesne, and tenant as aforesaid, and the mesne granteth to the tenant (upon the tenure made betweene them) to acquit and discharge him of all rents, services, and such like: This discharge is called acquittall.

Like law is if the tenant holdeth of his mesne by like services, as the mesne holdeth over of the Lord, & the tenant doth or payeth his services

Acquittall.

A Quitall est quant la est Seignior, mesne, & tenant, & le tenant tient de le mesne certaine terres ou tenements in frankalmoign, frankmarriage, ou tielx semblables, & le mesne tient ouster auxy & Seignior paramount, ou desuis luy. Ore doit le mesne acquit ou discharge le tenant de tout & chescun maner de service que aucun auter voit auer ou demand de luy concernant mesmes les terres ou tenements, pur ceo que le tenant doit faire le service a le mesne tantselement, & nemy al divers Seignours p un tenement ou parcel del terre. Mesme le ley est ou il est Seign mesne, & e cœ avantdit, & le mesne granta al tnt (sur le tenur fait p eẽ eux) p acquit & discharg luy de tous rẽts, services, & tiels semblables: cẽ discharge ẽ appel acquittall.

Mesme le ley est, si tenant tient de son mesne, per autiels services, come le mesne tient ouster del Seignior, & le tenant fait ou paya services

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services al mesne, mes le mesne ne fesoit ses services al Seignieur paramount, p que il distraigne les beaſts del tenant : en cel case le mesne p le oueltie del services doit acquit le tenar del services due al ſnr. Auxy la est acquital en ley, & acquital en fait : acquital en ley est, ou deux ſr ap-
 peal' ou endict de felonie, lū com principall, laue eoe accessorie, le principal esteant discharge, laccessorie p consequent est auxy acquite: Et en cest case sicome laccessorie est acquite p le ley, issint est le principal en fait. Staf. pl. cor. fol. 268.

Acre.

ACre est un certaine parcel de terre que containe en longeur 40 perches, & en latitude quater perches, ou a cest quantitie soit le longeur plus ou meines. Et si un hom voile erect un novel cottage, il devoit a mitter quater acres de terre a ceo, folonque cest mesure 31. Eliz. cap. 7. Et oue cest mesure agree Mōſieur Cromptō en son Jurisdictio de Courts, fo. 222. Uncore il dir que folonque les divers customes de ſeuā pais, le perch differt, esteā en ascūs lieux (& plus usualmt) forsque dixſize pees & demi : Mes en le countie de Stafford le perch est vint quat pees come fuit cy deuāt adjudge ē le excheqr.

to the mesne, but the mesne doth not his services to the chiefe Lord, wherefore he distraimeth the beaſts of the tenant : In this case the mesne for the equallie of the services ought to acquite the tenant of the services due unto the Lord. Also there is acquital in law, and acquital in fact : acquital in law is when two are appealed of indicted of felony, the one as principall, the other as accessorie, the principall being discharged, the accessorie by consequence is also acquitted, & in this case the accessorie is acquitted by the law, so is the principall in fact. Stamf. pl. cor. f. 168.

Acre.

ACre is a certaine parcel of land that containeth length forty perches, and breadth foure perches, or this quantitie bee the length more or lesse. And if a man will erect a new cottage, he ought to lay foure acres of land unto it, according to the measure 31. Eliz. cap. 7. With this measure agree Master Crompton, in his Jurisdiction of Courts, fol. 222. Yet he saith that according to divers customs of severall Countreies, the perch differeth, being in some places (most usually) but twene foure and a halfe : But in the countie of Stafford the perch is a foot, as was heretofore adjudged in the Exchequer, in the Statute

statute made an^h 24. H.8. 14.
for the solving of flax, 160.
perches make an acre. The or-
dinance of measuring of land
made an. 34. E. 1. Stat. 1. agreeth
with this account.

Acquittance.

A Acquittance, is a discharge
in writing of a summe of
money, or other duty which
ought to be payed or done: As
if one be bound to pay money
upon Obligation, or rent re-
served upon a Lease, or such
like, and the party to whom
the money or duty should be
paid or done, upon the receipt
thereof, or upon other agree-
ment betwene them had, mak-
eth a writing or bill of his
hand in discharge thereof, wit-
nessing that he is paid, or other-
wise contented, and therefore
he acquit and discharge him
of the same, which acquittance
is such a discharge and bar in
the law, that he cannot demand
and recover the sum or duty a-
gain, contrary therunto, if
he shew the acquittance.

This word differeth from
those which in the Civill
Law be called Acceptatio, or
Apocha, because Acceptatio
may be by word without writ-
ting, & is nothing but a fained
payment & discharge, though
no payment be had. And Apo-
cha is a writing witnessing
the payment or delivery of
money, which dischargeeth not
unless the money be paid.

En le estat fait an^h 24. H.8.
c.4. s'embleent de flax 160.
perches font un acre : lordi-
nance d'admesurement de
fre fait an. 34. E. 1. Stat. 1.
agree ouc cest account.

Acquittance.

A Acquittance, est un dis-
charge en escript dun
summe de money ; ou auter
dutie, quel doit estre pay ou
fait : sicome un soit obligee
de payer money sur un ob-
ligation, ou rent reservee sur
un lease, ou tiel semblable, &
le partie a que le money ou
dutie doit estre pay, ou fait sur
le receipt de ceo, ou sur auter
agreement perenter eux ewe,
fait escript ou bill de son
mayne en discharge de ceo ;
testmoygnant que il est pay,
ou auterment content, & pur
ceo acquite & discharge luy
de ceo, le quel acquittance est
tiel discharge & barre en la
Ley, que il ne poir demand
& recoü m le sum ou duty
aü-foits, cötr' a ceo, sil poir
monstre le acquittance.

Cest parol differt ab
hoc quod in Jure Civili
Acceptatio dicitur, quia
illud fieri potest verbo sine
scripto, & nihil aliud est
quam ficta solutio & libera-
tio, licet solutio non sit : nec
Apocha dici potest, quæ cau-
tio est solutæ datæ pecu-
niæ, quæ non liberat nisi pec-
unia soluta sit.

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¶

Ads.

ACts de Parliament sont leyes positive que consist d deux parts, cē adire, de les parolx del act, & del sensē de ceo, & ils ambideux joynt ensemble font la ley.

25

Additions.

ADditions, est ceo que est done al home ouster son proper nosme & firnosme, cē adire, p monstrier, de quel estate, degree, ou mystery il est, & de que ville, hamlet ou country.

Additions de estate sont ceux, yeoman, gentleman, Esquire, & tiels semblables.

Additions de degree sont ceux que nous appellomous nosmes de dignity, cōe Chivaler, Count, Marqs, & Dux.

Additions de mystery sont ceux, seriveñ, painē, mason, carpent, taylor, smith, & issint tous aus de seblable nature: car mystery ē le craft ou occupation p que home gaine son living.

Additions de villes, come Sale, Dale, & tiels auters, & issint de les auters.

Et lou un home ad houshold en deux lieux, il serra dit demurrer en ambideux, issint que son addie'en un de eux suffist.

Fuit ordeine per lestatute Anno 1. Henrici 5. cap. 5. que en suites ou actions, ou proces duilagary gift, tiels additions serra al nosme

Ads.

ACts of Parliament are p the Lawes which consist of two parts, that is to say, the wordes of the Act, & of the sense thereof, & they both joynted together make the Law.

Additions.

ADditions, is that which is given unto a man ober besides his proper name & surname, that is to say, to shew of what estate, degree, or mystrie he is, & of what towne, hamlet, or country.

Additions of estate are these, yeoman, gentleman, Esquire, and such like.

Additions of degrees are these that we call names of dignity, as Knight, Count, Marques, and Duke.

Additions of mystery are these, scribener, painter, mason, carpenter, taylor, smith, and all other of like nature: for mystery is the craft or occupation whereby a man getteth his living.

Additions of Towne, Sale, Dale, and such other, and so of the rest.

And where a man hath household in two places, he shall be said to dwell in both of them, so that his addition in one of them doth suffice.

By the Statute in the 5. yeare of H. the 5. and chap. the 5. it was ordained that in suites or in actions where necessity of ntilagary lyeth, the

addition

additions should bee to the name of the def. to shew his estate, mystery, & place where he dwelleth, & that such writtes shall abate, if they have not such additions, if the defendant take exception thereto, but they shall not abate by the office of the Court.

Also Duke, Marquess, Count, or Knight, be none of these additions, but names of dignitie, which should have bene given before the Statute.

And this was ordained by the said Statute made in the first years of King H. the 5. cap. 5. to the intent, that one man might not be grieved nor troubled by the titlaris of another: But that by reason of the certain additis, every man might be certainly knowne, and beare his owne burthen.

23 Adjournalment.

Adjournalment, is when any Court is dissolved and determined, and assigned to be kept againe at another place or time, & we thinke it is compounded of two wordes (ad) or (al) and jour.

29 Admeasurement of Dower.

Admeasurement of Dower is a Writ, & it lyeth where a woman is endowd by an infant, or by gardein of more than she ought to have, the heire in such case shall have this Writ, by the which the

del def. a declarer son estate, mystere, & lieu ou il enhabite, & que tiels briefes abateront, s'ils ne ont tiels additions, si le defendant prist exception a ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marquess, Counte, ou Chivaler ne sont pas de ceux additions, mes nosines de dignity, queux duissent aver estre done devant le Statute.

Et ceo fuit ordeigne per le dit statute fait en le prim an de Roy H. le 5. cap. 5. al intent que un hōe ne serroit greeve ne trouble per le utlagarie de un autre: Mes que p reason de lo certaine addition, chescun home poit estre certainement conus, & portef sa burden demesne.

Adjournalment.

Adjournalment est quant alcun Court est dissolve & determin^{a present}, & assign destre garde arrere al autre lieu ou temps, & moy semble est cōpound de deux parols (ad) ou (al) jour.

Admeasurement de Dower.

Admeasurement & Dower est un brieve, & gist lou un feme est endow per un infant, ou per un gardein de plus quē devoit aver, le heire en tiel case avera cest brieve, per quel le fess
E 3

The Exposition of

ferra admeasur, & le heire restore a le surplusage. Mes si un abate, cest adire, un que nad droit enter apres le mort le baron, & endow la feme de cestuy que est mort, de plus que doit auer, le heire nauera cest brieve, mes Assise de Mordancester vers la feme, & si el plede que el fuit endowe de ceo terre come del franktenement sa baron, le heire monstre comment el fuit endow per le abator, & que el ad plus que devoit auer, & priera que il soit restor al surplusage, & si soit troue, il serra restore.

Woman shall be admeasured and the heirs restored to the overplus. But if one abate that is to say, one which hath no right entereth after the death of the husband, and endoweth the wife of him that is dead, more then she ought to have, the heire shall not have the writ, but Assise of Mordancester against the woman, & if she plead that she was endowd of the land as of the franktenement her husband, the heire shall shew how she was endowd by the abate, and that she have more then she ought to have, shall pray that he may be restored to the surplusage, and if be found, he shall be restored.

39 Admeasurement de pasture.

Admeasurement of pasture.

Admeasurement de pasture est un brieve, & gist lou plusors tenants ont common appendant en auter terre, & un surcharge le common oue plusors avers; Donques lauters commoners poient auer cest brieve vers luy, & auxy poit estre port per un common solement; mes donques covient estre port vers tous lauters commoners, & vers cestuy que surcharge, pur ceo que tous le commoners seront admeasures.

Et ceo brie ne gist vers luy, ne p luy que ad common appartenant, ou common in grosse, mes ceux que ont common appendant ou com-

Admeasurement of pasture is a writ, & it lyeth to many tenants have common appendant in another ground, and one overcharge the common with many beasts: And the other commoners may have this writ against him, and also it may be brought by one commoner only; but it lieth to be brought against all the other commoners, and against him that overcharges, for that all the commoners shall be admeasured.

And this writ lyeth not against him, nor for him that hath common appartenant, or common in grosse, but for which have common appendant.

nant, or common because of vicinage.

As the diversity of all these commons afterwards in the title of Common.

Also this writ lyeth not for the Lord, nor against the Lord, but the Lord may distrain the beasts of the tenant that be surplussage. But if the Lord overcharge the Common, the Commoner hath no remedy by the Common Law, but an Assise of his Common.

Administrators.

A Administrator, is he to whom the Ordinary comitteth the administration of goods of a dead man for default of an Executor, & an action shall lye against him, & for him, as for an Executor, & he shall be charged to the value of the goods of the dead man & no further, if it be not by his owne false plea, or for that that hee hath wasted the goods of the dead. But if the Administrator die, his Executors be not Administrators, but it belongeth the Ordinary to commit a new administration. But if a stranger that is not Administrator nor Executor, take the goods of the dead, and administer of his owne wrong, he shall be charged and sued as an Executor, and not as Administrator in any action that is brought against him by any creditor. But if the Ordinary make a letter ad Colligendum boni defuncti, he that hath such a let-

mon per cause de vicinage.

Vide le diversity de tous ceux commons apres en le title de Common.

Auxy cest brief ne gist pur le Seignior, ne vers le Seignior, mes le Seignior poir distraine les auers le tenant que sont surplussage. Mes si le Seignior surcharge le common, les commoners nont remede per le common ley, mes un Assise de so common.

Administrators.

A Administrator, est celuy a que le Ordinarie commit le administration des biens le mort pur default de executor & pur luy come p executor, & serra charge ielsques al value des biens le mort & nient ouster, sil ne soit per son faux plea, ou pur ceo que il ad wast les biens le mort. Mes si le administrator devie, ses executors ne sont administrators, mes covient al Ordinarie de committer novel administration. Mes si un estrange que nest administrator ne executor, prist les biens le mort, & administer de son tort demesne, il serra charge & sue come executor, & nemy come administrator en aucun action que est port vers luy per aucun creditor. Mes si le Ordinarie fait un briefe ad Colligendum bona defuncti, celuy que ad tiel

& action
gisent vers
luy

The Exposition of

lett nest administrator, mes
laction gist vers leOrdinarie
auxy bien come sil prist le bi-
ens en son main demesne, ou
per le maine de ascun de ses
servants per ascun auter com-
mandement,

ter is not Administrator, but
the action lyeth against the
Ordinarie as well as it be-
take the goods in his owne
hand, or by the hand of any
of his servants by any other
commandement.

31

Admirall.

ADmirall est un Officer
sout le Roy, que ad au-
thority sur le mere tantum, p
veyer le Navy repaire &
maintaine, p suppresler &
chafer de hors estimures de
mere, & de faire droit d cō-
tracts perenē party & party
concernant chose fait sur &
ouster le mere, & p cest pur-
pose il ad son court appel le
admiralty. Il poit causer
son citation destre serve sur
le tef, & pnder le corps
del ptie ou biens en execut
sur terre.

Item il ad cognifance del
mort ou maihem de un hom
fait en ascun grand niefse
flectant en grand ryvers en
le Realme, de base les ponts
de eux prochein all mere.

Auxy pur arrest neifes en
les grand streames pur les
voyages del Roy & Realme,
& ad jurisdiction en les dits
streames, durant mesmes
voyages.

32 Ad quod dampnum.

AD quod dampnum est
un brieve que doit estre
sue devant le Roy grant cer-
taine liberties: Come Faire,
Market, ou tielx semblables,

Admirall.

ADmirall is an Officer un-
der the King, that hath
authority upon the sea onely,
to see the Navy pypared and
maintained, to suppressle and
chase away robbers and ro-
bers, and to judge of contracts
betweene party & party con-
cerning things done upon and
beyond the seas, and for that
he hath his Court called the
Admiralty. He may cause
his citation to be served upon
the land, and take the parties
body or goods in execution
upon the land.

And also he hath cognifance
of the death or maihem of a
man, committed in any great
ship, floting in great rivers in
the Realme, beneath the hyd-
ges of the same next the Sea.

Also to small ships in the
great streames, for the voya-
ges of the R. and Realme, &
hath jurisdiction in the said
streames during the same
voyages.

Ad quod dampnum.

AD quod dampnum is a
writ which ought to be
sued before the King grant
certaine liberties: as a Fayre,
Market, or such like, which
may

may be prejudiciall to others. And thereby it shall be inquired if it should be a prejudice to grant them, and to whom it shall be prejudiciall, & what prejudices shall come thereby.

Advent.

ADvent is a time which cometheth about a Moneth next before the feast of the Nativity of our Saviour Christ. In which it seemeth that our Ancestors have reposed some reverence for the nearness of that solemn feast, so that all suits in Law were then restrained for a season: wherefore there was a statute ordained, West. 1. cap. 48. that, notwithstanding the said solemnity, it might be lawfull in respect of Justice & Charity, to take assises of Novel disseisin, and Darrein presentment in the times of Advent, Septuagesima, and Lent. This is one of the times from the beginning of which, untill the Octaves of Epiphany, the solemnizing of marriages are prohibited to be solemnized without special licence according to the verses:

*Conjugium Adventus prohibet,
Hilarique relaxat;
Septuagesima vetat, sed Pascha
Ostava reducit;
Rogatio vetitat, concedit
Prima potestas.*

Advent all Marriage forbids,
Hilaries feast to Nuptials tend;

queux poient estre prejudiciall al auters. Et per ceo serra inquire si serroit prejudice a granter eux, & a que serra prejudiciall, & que prejudices ent aviendra.

Advent.

ADvent est un temps q̄ certain enviro un moys pchein devant le feast del nestre de nre Savior Christ. En q̄ il sēblable, q̄ nre ancestors ont repose asc̄ reverēce pur le p̄pinquity de cel solempne feast; issint q̄ tous suits en ley tues donques remit pur un season. Pur quoy la suit un Statute ordeine, West. 1. cap. 48. que nient obstant le dit solempnity, puit estre loyall, en respect de Justice & Charity a prendre assises de Novel disseisin, & Darrein presentment en le temps d'advent, septuagesima, & quadragesima. Cest un d̄s temps de le cōmence-
ment de q̄l usque a les ostaves de Lepiphany, l' solemnizing de espousels sont phibit estre solempne sauns especial licence accordant a les verses:

And

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And Septuagint no Wedding rids,
Yet Eaters octaves that amends,
Rogation hinders hasty Loves,
But Trinity that Let removes.

33

Advowson.

Advowson.

ADvowson est lou un home & ses heires ont droit de presenter leur Clerke al Ordinary al un parlonage, ou auſ esperituaſl bnifice qnt il devient void. Et celuy q adiel dft de pſenter est appell patron.

ADvowson is where a man and his heires have right to present their Clerke to the Ordinary to a Parsonage, their spirituall benefices wher it becommeth voyde. And which hath such right to present is called Patron.

Affeerors.

Affeerors.

Affeerors sont tiels que sont designe en Court leers &c. a mulſer tiels que ont commis aucun peche que est arbitralement punishable, & par quel nul expresse penaltie est prescrite p stat. Poies veier le forme de leur serement en Kitch. fol. 46. Si les Jurors in un leet recevoſt les articles, & esteant command a responder al eux & present & ils refuse issint a faire, dō que ils ferraient amercie, uncore lamericiement de chescū Juror serra affeere selonque a son offence. Issint en assise de Novel disseisin, tous les disseisors ferraient amercie, & chescun serra affeera p luy. Mes si un ville soit amercie, la lasserance serra generall, car la nest aucun certaine pson nōm come en les cases p avandit. Et si un Jury en un leet taxe un amerciament, ceo sūſſist sans aucun

Affeerors are such as be appointed in Court leers, &c. to mulſer such as have committed any fault which is arbitrarily punishable, & for which no expresse penalty is prescribed by Statute. You may see the forme of their oath in Kitchin, fol. 46. If the Jurors in the Leet receive the articles, and being commanded to answer to them and present and they refuse so to doe, then they shall be amerced, yet the amerciamment of every Juror shall be assessed according to his offence. So in assise of Novel disseisin, all the disseisors shall be amerced, & every one shall be assessed by himself. But if a town be amerced, then the amerciamment shall be general, for there is not any certain person named as in the cases aforesaid. And if a Jury in a Leet tax an amerciamment, this sufficeth without any

secrement, for the amerciamēt
is the act of the Court, & the
afforcement the act of the Ju-
ry. Co. lib. 8. fol. 39. 40. b.

afforcement, car l'amerçiamēt
est last del Court, & l'afforcement
last del Jury. Co. lib. 8.
f. 39. 40. b.

Affiance.

Affiance.

Affiance is the plighting of
troth betwixt a man and
a woman upon an agreement
of a Marriage to be had be-
tweene them, and Affidare,
from whence this word is de-
rived, is as much as fidem ad
alium dare. And this word
Affiance is used by M. Little-
ton, in his chapter of Dower, sect.
39.

Affiance est le plighting del
foy entre home & feme
sur un agreement dū mari-
age destre solemnize enē
eux; & affidare, de q̄l cest
parol ē derive, est tant adire
come fidem ad alium dare.
Et cest parol Affiance est use
per Monsieur Littleton, en
son chapter de Dower, sect.
39.

Affray.

Affray.

Affray comes of the french
word (effrayer) which
signifies to affright or scare,
and so an affray may be with-
out word or blow given, and
so this word is used in the
Statute of North, 2. E. 3. cap.
3. But it is in our books ma-
ny times confounded with the
word assault, as it appears
by M. Lambert in his Eire-
narchie Lib. 1. cap. 7. But
yet as it is there said, they dif-
fer in this, that an assault is
not but a wrong to the party,
but an affray is a wrong to
the common-wealth: & there-
fore an affray is iniquitable &
punishable in a Let. Also an
assault is made with sword
but an ass: But an affray
is the fighting of many toge-
ther.

Affray venust del parol
francois (effraier) q̄ signify
terrere sive horrificare, &
issint un affray poit estre sans
paroll ou buse done, & issint
& parol est use en lestat de
North, 2. E. 3. cap. 3. Mes en
nre liures ē parol est plus
soits confound ouc le paroll
Assault, cōe appiert per Mon-
sieur Lambert en son Eire-
narchie, lib. 1. cap. 17. Mes
uncore cōe est la dit, ils diffe-
ront en ceo, q̄ un Assault nest
forsque un tort al party, mes
un affray est un tort al bien
pulique; & pur ceo un affray
est inquirable & punishable
en un Let. Auxy un Assault
est fait plus rost. forsque sur
lun part: Mes un affray est
le combatre de plusieurs en-
semble.

Age

A Ge prier, est quant action est port vers enfant de fre que il ad p discent, la il mfa le matter al court, & prayera quo le acc' demur cāque a son pleine age de xxi. ans, & issint p agarde de Court le suit surcessera.

Mes en brieft de dower & Affise, & auxy en tiels actions lou le infant est suppose a veler al terre en demand de son tort demesne il navera sa age.

Auxy nota que sont plusieurs diversities de ages, car le Seignieur avera ayde de son tenant en Socage pur marrier la fille, quant la fille le Seignior est del age de sept ans. Et auxy aide pur faire son firs & heire chivalier, quant il est del age de sept ans.

Auxy feme que est espouse al age de ix. ans, si sa baron morust seisi avera Dower, & nemy devant ix. ans.

Auxy 14. ans est le age de feme que ne serf en gard, si el fuit de tiel age al temps del mort son Ancestor, mes si el fuit deins age de 14. ans & en gard son Seignior, donques el serra en gard tanque al age de 16. ans. Et auxy 21. ans est le age de heire male destre en gard, & apres ceo hors de gard.

A Ge prier is when the action is brought against an infant, of lands which he hath by descent, there he shall shew the matter to the Court, and shall pray that the action may stay till his full age of 21. years, and so by award of the court the suit shall surcease.

But in a Writ of Dower and in Affise, and also in such actions where the infant is supposed to come to the land demanded by his own wrong he shall not have his age.

And note well that there be many diversities of ages, for the Lord shall have aid of his Tenant in Socage for to marry his daughter, when the daughter of the Lord is at the age of vii. years. And also Aid for to make his son and heir a Knight, when he is of the age of vii. years.

Also a woman which is married at the age of ix. years, if her husband be killed shall have Dower, and not before nine years.

Also 14. years is the age of a woman that she shall not be in ward, if she were of such age at the time of the death of her Ancestor, but if she were within the age of 14. years and in ward of the Lord, then she shall be in ward till the age of 16. years, and also 21. years is the age of the heir male to be in ward, and after that out of ward.

Also it is the age of male and female to sue & to be sued of lands which they have or claim by descent, and to make all manner of contracts & bargain, not before; but if such an infant within the age of 21. years give his goods, and the Donee take them, the infant may have an action of trespass, but otherwise it is if he deliver them himselfe. Vide Coke, lib. 3. fol. 13. a. li. 6. fol. 3.

Et auxy il é le age de male & female de suer & de estre sue des terres, que ils ont ou claime per descent & de faire routs maners d'contracts & bargain, & nient devant mes si tiel enfant deins age de 21. ans done ses biens, & le donee eux prist, le enfant poit aver un action de trespass, mes autrement il est fil deliver, eux. Vide Coke lib. 3. fol. 13. a. lib. 6. fol. 3.

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Agist.

A Gift seemes to come of the French (Gifer jacere) or of Gister, (i. Stabulari) a word proper to Beasts, and therefore Bud. li. poster. Philologie says that Giste idem est quod Lustrum vel cubile. And Agist in our common Law signifies to take in and feed the cattell of a stranger in the Kings forests, and therefore those officers in the forest that thus take in cattell, and gather the money for the feed of them are called Agistors, and the feed or herbage of the cattell is called Agistment, which in a large signification extends to all manner of common of herbage of any kinde of ground, or land, or woods, or the money that is due or received for the same as well out of forests as within them. See in Manwoods forest Lawes, cap. 11. fol. 80.

25 Agreement.

A Greement, is after this sort defined or expounded

Agist.

A Gift semble de venir del francois giser (i. jacere) ou del gister (i. Stabulari) un parol proper as dames, & p ceo Budæus lib. poster. philologie dit q Gift idé est quod Lustrum vel Cubile, & Agisten nre comó ley signifie de prender eins & de pasture les avers dū estranger deins les forests le Roy, & p ceo les officers en le forest q en tiel manier prent eins avers, & collect les deniers p le pasturage d'eux sont appella Agistors, & le pasturage & Herbage des avers est appell Agistment, q en un large signification extend as tous maniers del comon del herbage d'aucū kind de terre, ou Bois, ou les deniers que sont due & receive pur ceo cibien hors des forests cōe deins eux. Vide en Manw. Forest leyes cap. 11. fol. 80.

Agreement.

A Greement, est en cē maner define ou expounded

The Exposition of

en Master Plowdens Commentaries: Aggreementum est un parol compounde de deux parolx, cestascavoir, de Aggregatio & Mentium, cest adire agreement de ments, issint que Aggreementum est Aggregatio mentium in re aliqua facta vel facienda, & per le contraction de les deux parolx, Aggregatio & Mentium, & per le corrupte & brieve parlance de eux, ils font fait un pol, cestasc', Aggreementu, le quel nest auter chose que un union, collecte copulation, & conjunction de deux ou plusour ments in ascū chose fait ou destre fait. (Veies apres en Testament.) Et cē agreement est en 3. maners.

Le primer est un agreemēt execut. en fait al commencement.

Le 2. est un agreemēt puis un act fait per auter, & est un agreement executé auxy.

Le tierce est un agreement executorie, ou destre fait en temps uncore a veñ.

Le prim, q̄ est un agreemēt executé en fait al cōmencement, est tiel de que mention est fait en le statute de 25. Ed. 3. ca. 3. de pannis en le quart Statute, que dit, que les biens & choses achates per fore-stallers, q̄ de ceo seront attaints, soient forfaits al Roy, si le achator en ust fait gree al vendor. En q̄l case, cest pol (Gree) q̄ est autermt appel agreement, serra entende agreemēt executé, v. z.

in Master Plowdens Commentaries: Aggreementum est un word compounde of the words, namely, of Aggregatio & Mentium, that is to say, Agreement of mindes, so that agreement is a consent of mindes in some things done or to be done, and by contraction together of the two words, Aggregatio and Mentium, and by the husky and short pronouncing of the they be made one word, to wit, Aggreementum, which is no other thing than a joining, putting, coupling and knitting together of two or more mindes in any thing done or to be done: (As after in Testament.) And the agreemēt is in three maners.

The first is an agreemēt executed already at the beginning.

The second is an agreemēt after an act done by another, is an agreemēt executed afterwards.

The third is an agreemēt executory, or to be done in time yet to come.

The first, which is an agreemēt executed already at the beginning, is such, whereof mention is made in the statute of 25. Ed. 3. cap. 3. of clothe in the fourth Statute, which saith, that the goods & things bought by fore-stallers, being thereof attainted, shall be forfeit to the King, if the buyers thereof have made gree with the seller. In which case the word (gree) which is otherwise called agreemēt executed, that

that is payment for the things.

The second manner of agreement is where one doth a thing or act, & another agrees or assents therunto afterward, as if one do a disseisin or any act, and afterward I agree to it, now I shall be a disseisor from the beginning, & such agreement is an agreement after an act done.

The third agreement is where both parties at one time are agreed that such a thing shall be done in time to come, and this agreement is executory, in as much as the thing shall be done after, and yet there their minds are agreed at one time. But because the performance shall be afterward, and the thing upon which the agreement was made, remains to be done, that agreement shall be said executory. And that the Stat. of 26. H. 8. cap. 3. doth prove, where it saith, that every Vicar, Parson, & such like, &c. before their actual possession or meddling with the profits of their Benefices, shall satisfy, content, &c. or agree to pay to the B. the first fruits, &c. & if any such Parson or Vicar, &c. enter in actual possession, &c. this Agreement is to be understood executory, as the common use proveth, for it is used that he with one or two with him, do make two or three Obligations for it to be paid at certain dayes after, & this Agreement executory is divided into two points. One is an agree-

paiment p les choses.

Le second manner de agreement est lou un fait un chose ou act, & un autre agree ou assent a ceo apres, come si un fait disseisin a mon use, & apres ieo agree a ceo, ore ieo serra disseisor ab initio, & tiel agreement est un agreement puy un act fait.

Le tierce agreement est qnt ambideux parties a un temps sont accords que tiel chose serra fait en temps a vener, & ceo agreement est executorie, entant que le chose serra fait apres, & uncore la lour ments accord a un temps. Mes entant que le performance serra aps, & ifint le chose sur q lagreement fuit fait, remaine a faire, ceo agreement serra dit executorie. Et ceo le Stat. 26. H. 8. c. 3. prove, ou il dit, q chescun Vicar, Parson, & autiels, &c. devant lour actual possession ou meddling oue les profits d' lour Benefice satisfiera, contenta, &c. ou agreera a payer al use le Roy les primer fruits, &c. Et si ascun tiel Parson, Vicar, &c. en en actual possession, &c. ceo agreement est destte entend executory, come le common usage pue: car est use, que il oue un ou deux oue luy, fair' deux vel trois Obligations, p ceo destt pay en certaine jours apres, & cest agreement executorie est divide en deux poynts: Vn est agreement

The Exposition of

agreement executorie que est certain al commencement, come est dit darrein devant del prim fruits.

L'auter est, lou le certain- tie ne appiert al primes, & les parties sont accords que le chose serra performe, ou pay sur le certain- tie conus, come si un vend al auter tout son wheat en tiel tasse en son barne nient thresh, & il est agree par eulx, que il payera p chescun bushell 12. d. quant il est thresh cleane, & measure.

Agent & Patient.

A Gent & Patient est quant un home est le Feasor dun chose, & le partie a que il est fait, come ou feme endow luy mesme de la pluis beale part del Possession de sa baron. Issint si home ad dixe liuers issuat hors de certaine terre, & il disseise le Tenant del terre en assise port per le Disseisee, le Disseisor recoupera le Rent en le damages, issint que ou le mesme puits del terre en tiel case fuerent al value de dixe trois liuers, le disseisee recoupera forsque trois liuers. Auxy si home soyt endette a un auter, & puis il fait le prie a que il est issint endette, son Executor, & morust, le Executor poyt reteigne tant des biens del mort en ses maines, cõe son dette demesne amountera, & per ceo deteiner il est le Agent & le

grooment executory, which is said last before of the fruits.

The other is, when the certainty doth not appears at first, & the parties are agree that the thing shall be performed or paid upon the certainty knowne, as if one sell to another all his wheat in such taste of his barnes unthreshed, and it is agreed between them that hee shall pay for every bushell 12. d. when it is threshed cleane, and measured.

Agent & Patient.

A Gent & Patient is when a man is the doer of a thing, and the party to whom it is done, as where a woman endoweth her selfe of the same possession of her husband. So if a man hath ten pounds issuing out of certaine land, and he disseiseth the Tenant of the land in an Assise brought by the Disseisor, the Disseisor shall recoupe the Rent in the damages, so that where the meane profits of the land in such case were to the value of thirteene pounds, the Disseisor shall recouper but thre pounds. Also if a man bee indebted to another, and after ward he maketh the party to whom he is so indebted, his Executor and dyeth, the Executor may retaine so much of the Goods of the Dead in his hands, as his owne debt amounteth unto, & by this retainer hee is the Agent

[gent

gent & the Patient, that is to say, the party to whom the debt is due, and the party that payeth the same. But a man shall not be judge in his own case, as is resolved, Co. lib. 8. fol. 118. in Doctor Boquhams Case, That the Censors cannot be Judges, Ministers, & Parties; Judges to give sentence or judgment, Ministers to make Summons, & Parties to have the halfe of the forfeiture. And although that an Act of Parliament yieldeth to any one, to hold or to have consufance of all manner of Pleas, arifing before him within his manor of D. yet he shall hold no plea to which he himfelfe is party, *Quia iniquum est aliquem fui rei esse Judicem.*

Ayde.

AYde, is when a tenant for terme of life, tenant in dower, tenant by courtesie, or tenant in tail after possibility of issue extinct, is impleaded, then for that they have no estate but for terme of life, they shall pray in ayde of him in the reversion, and proceffe shall bee made by writ against him to come and plead with the tenant in the defence of the land if he will: but it behooveth that they agree in the plea, for if they vary, the plea of the tenant shall bee taken, and then the ayd prayer is void: but if he come not at the second writ, then the tenant shall answer sole.

Also tenant for terme of yeares, tenant at will, tenant by Elegit, & tenant by Statute Merchant, shall have ayd of him in

Patient, cestascavoir, le partie a que le dette est due, & le party que ceo paya. Mes home ne serra judge en son cause demesme, come est resolve, Coke lib. 8. fol. 118. en Doctour Bonhams Case, Que les censors ne poyent estre Judges, Ministers, & Parties; Judges a doner sentence ou judgement, Ministers a fayre summons, & parties de aver le moiry del forfeiture. Et coment que Act de Parliament done a ascun a tener ou de aver conufans de tous manners des pleas devant luy surdant deins son manor de D. uncore il tenera nul plea a que il m est party, *Quia iniquum est aliquem sui rei esse Judicem.*

Aide.

AIdé, est quant tenant a terme d vie, tenant en dower, tenant per le curtesie, ou tefit en taile apres possibilitie diffue extinct est emplede, donques pur ceo q ils nont que estate p terme d vie, ils prieront ayde de cestuy en le reversion, & processe serra fait per brieve vers luy de vener & pleder ou le tenant, en defence del terre sil voile, mes il covient, que ils accord en plea; car sus varie, le plea l tefit serf prise, & donques leyd pryer est en vaine: mes sil ne vient al second brieve, le tenant respondera sole.

Auxy tenant pur terme de ans, tenant a volunt, tenant per Elegit, & tenant per Statute Marchant averont ayde

The Exposition of

de cestuy en le reversion, & le servant & bayly de leur master, quant ils ont fait ascun chose loyalment, en le droit leur master averont ayde.

Auxy cest parol est ascun foits apply al subsidies, come en 14. E. 3. Stat. 2. cap. 1. autre foits a un prestation due de les tenants a leur Seigniors, come par reliefe due al Seign. paramount, ou par le seissance de son firs chival, ou par lespousing de sa file, Glan. lib. 9. c. 8.

Cest ayde, le Roy, ou autre Seignieur, per lantient ley Dengleterre puit giser sur leur tenants par faire son firs chival al age de 15. ans, & espouser sa file al age de sept ans, Regist. orig. fol. 87. a. & a quel rate ils pleiront. Mes le statute de West. 1. fait Anno 3. E. 1. ordeine un restraint pur ascun grand ou large demand fait per common persons, esteant Seigniors, en ce case, & ad lie eux a un certaine rate. Et le statute de 25. E. 3. stat. 5. cap. 11. provide que le rate que est mise par le prim Statute serra tenus en le Roy cy bien come en autres Seigniors.

Aide de Roy.

Aide de Roy, est ensamble case cõe est dit devant de cõmon person, & auxy en plusors autres cases lou le Roy puit auer perde, cõmt que le tenant soit tenant en fee-simple, il avera aide, come si un rent soit demand vers Tenant le Roy

the reversion, and the servant and bailly of their Master, when they have done any thing lawfully to the right of their Master, they have ayde.

Also this word is sometimes applyed to subsidies, as in 14. E. 3. stat. 2. cap. 1. other times to a prestation due from the tenants to their Lords, as for relieve due to the Lord paramount, or for the making of his sonne a Knight, or for marryng of his daughter. Glan. lib. 9. cap. 8.

This ayde, the King or other Lord, by the ancient law of England, may lay upon their tenants to make his sonne Knight at the age of fifteen yeares, and marry his daughter at the age of seven yeares, Regist. orig. fol. 87. a. and that at what rate they please. But the statute of West. 1. made Anno 3. E. 1. ordains a restraint for any great or long demand made by common persons being Lords, in this case, and hath tyed them to a certain rate, and the Statute of 25. E. 3. stat. 5. cap. 11. provideth that the rate which is appointed by the former Statute shall be holden in the King as well as in other Lords.

Ayde of the King.

Ayde of the King, is in like manner as it is said before of a common person, and also in many other cases where the King may be grieved, although that the tenant be tenant in fee-simple, he shall have ayde, as if a rent be demanded against the Kings tenant who holdeth

holdeth in chiefe, hee shall have ayde, and so he shall not of a common person.

And where a City or Borough hath a fee-farm of the King, and any thing be demanded against them which belongeth to the fee-farm, they shall have ayde for the losse of the King.

Also a man shall have ayde of the King in the stead of Voucher. Also the Kings Walshe, the collector, & the Warveior shall have ayde of the King, as well as the Officers of other persons.

Aile.

Aile is a writ which lyeth where land descends from the grandfather to his Nephew, i.e. the sonne, or daughter of the son of the grandfather, the father being dead before the entry by him, & one abateth, the heire shall have against the abator this writ.

Aler sans jour.

Aler sans jour, is (word for word) to goe without day, that is, to be dismissed the court because there is no day of further appearance assigned.

Ale-taster.

Ale-taster is an officer appointed and sworn in every Ale to looke that the due assise be kept of all the Bread, Ale, and Beere sold within the Jurisdiction of the Ale.

Alien.

Alien is a subject which is born out of the ligeance of our K.

que tient en Chiefe, il auera ayde, & issint naverá de autre person.

Auxy lou un Citie ou Borough ad un Fee-farmé del Roy, & ascun chose est demad vers eux, que apperteigne al Fee-farm, ils aüont ayde pur le perde le Roy.

Auxy home auera ayde de Roy en lieu de voucher. Auxy le Baylife, Collector & Purveyor del Roy averont ayde del Roy, auxibien come les Officers de auters persons.

Aile.

Aile est un Briefe que gist lou Terre descende de layel a son Nephew, (videlicet) fitz, ou file del Fitz del Ayel, le pier esteant mort devant entrie per luy, & un abate, le heire avera vers le abater cel Briefe.

Aler sans jour.

Aler sans jour est (verbatim) ire sine die, cestascavoir dée dismissé hors del court pur ceo q n'est ascun auélour del appearance assigne.

Ale-taster.

Ale-taster est un officer appoint & jure deins chescun Ale de veier q le due assise soit observe de tout le Pane, Ale, & Cervoise vendus deins le Jurisdiction del Ale.

Alien.

Alien est un subject q est nee hors del ligeance de nostre Roy

The Exposition of

Roy & desouth le leigeâce del auter: Et il ne poit aver ascun real ou personal action cœcernant terre, mes en chescun tiel action le tenât ou defedât pût plead que il fuit nee en tiel pais, q̄ nest deins le leigeance del Roy, & demād judgement sil serra respondu.

Chescun alien amie puit per le common ley aver & acquirer deins cest Realme per done, chivisâns, ou auter loyal voyes, ascun treasure ou biens personall quecunque, ci bié come ascun home Englois, & puit mainteine ascun action pur ycel. Mes terres deins cest Realme ou measons, si non solm̄t pur lour habitation, alié amēs ne poiēt aver ne acquirer, ne maintain ascū actiō real ou personal pur ascū terre ou meason, sinon q̄ le meason soit pur lour necessary habitation. Un alien enemie ne poit maintenir asc'act'ou acquir'asc' chose deins cest Realme. Et les Reasons pur que aliens nee ne sont eapable de inheritance deins Angleter, sont:

Primermt, les secrets del roialm poient p ceo estr' con.

Secondment, les revenues del roialme seront prise & enjoy per estrangers nee.

Tiercement, ceo voile tēd al destruct' del roialme. Primermēt en le temps de guerre car dōques estrāgers poient fortifie eux mesmes en le cuer del roialme, & cōbuster le cōmonweale. Secondmt en le tēps de peace, car per tiel meanes plu-

and under the leigance of another. And he cannot have any real or personal action concerning land but in every such action the plaintiff or defendant may plead that he was borne in such a place which is not within the King's leigance, and demand judgement if he shall be answered.

Every alien friend may by the Common Law have and hold within this Realme, by gift, trade, or other lawfull wayes any treasure or personal goods whatsoever, as well as an Englishman, and may maintain any action for the same. But land within this Realme or houses (if not for dwelling onely) alien friends cannot have nor get, nor maintain any action real or personal for any land or house, but that the house be for their necessary dwelling. An alien enemy cannot maintain any action, nor get any thing within this Realme. And the Reasons why aliens borne are not capable of inheritance within England, are:

First, the secrets of the realm may by this be discovered.

Secondly, the revenues of the Realme shall be taken and enjoyed by strangers.

Thirdly, this will tend to the destruction of the Realme, first in the time of warre, for by strangers may fortifie themselves in the heart of the Realme & set in combustion the commonwealth. Secondly, in the time of peace, for by such meanes

any aliens buyne, may get a great part of the inheritance and freehold of the Realme, by which there should ensue a want of Juries, the supporter of the common-wealth, for this that aliens cannot be returned of Juries, nor sworn for the tryall of Issues between the King and the Subject, or between Subject & Subject, Vide Co. lib. 7. Calvins Case.

Alienation.

A Lienation, is as much to say, as to make a thing another mans, or to alter or put the possession of lands or other things from one man to another. And in some cases a man hath power in himselfe so to doe, without the assent or licence of any other, and in some not. As if tenant in chiefe alien his estate without the Kings licence, then by the Statute of Ed. 3. c. 12. a reasonable fine shall be taken, where at the common law before the said Statute, the lands and tenements held in chiefe of the King, and aliened without licence, have bene held forfeited. And if the Kings tenant that holdeth in chiefe, intend to alien unto C. to the use of D. and hereupon if he purchase licence to alien to C. and accordingly hee alieneth to C. to the use of D. which use is not mentioned in the licence, in this case he shall pay but one fine, for it is but one alienation, Coke lib. 6. fo. 68. But if a man will alien lands in fee-simple to a house of Religion, or to a body incorporate, it behoveth him to have the

fors aliens nee poient acquirere un grād parte del inheritance & frankenement del roialme, per que la voile ensue un failler de Justice, le supporter del cōmon-wealth, pur ceo q̄ aliens ne poient estre retourne de Juries, ne jure pur le trial de issues parent' le Roy & le subject, ou perer' subject & subject. Vide Co. lib. 7. Calvins Case.

Alienation.

A Lienation, idem est quod alienum facere, ou de alter, ou mitter le possession de terre ou autre chose de lun home al autre. Et en ascū cases home ad poier en luy mōsme issint a faire sans lassent ou licēce d'aucun autre, & en ascun nemy. Come si tenant in capite alien son estate sans cōge le roy, dōque per le stat. de 1. Ed. 3. cap. 12. un reasonable fine avera prise; ou al common Ley devant le dit Statute les terres & tenements tenus en chiefe del Roy & alien sans congee ont este tenus forfeit. Et si tenant le Roy q̄ teigne en capite intend de aliener al C. al use de D. & sur ceo si il purchase licence de aliener al C. & accordant il alien a C. al use de D. quel use nest mention en le licence, en cest case il paiera forsq; un fine, car est forsq; un alienation. Coke l. 6. f. 28. Mes si home voile aliener terres en fee-simple a un meason de Religion, ou a un corps incorporate, cōvient a luy dayer conge le Roy de faif cest grant

The Exposition of

ou alienation, & le chiefe Seignours de queux tiels terres s'ot tenus, &c. autrement le terre issint alien en Mortmaine sera forfeit per lestatute de 15. R.2. cap.5.

Kings licence to make this grant of alienation, & the chiefe Lords of whom such lands are held, or otherwise the land so aliened in Mortmaine shall be forfeited by the Statute of 15. R.2. cap.5.

Allay.

Allay est le temper ou mixture d'or & argent oue plus base metall p l'augmenter del pois de ceo en tant q poit countervaille le charge del Roy en le coynage: & en parol est use en lestatute 9. H. 5. cap. 11. pur le payment del or Anglois per le Pois le Roy.

Allay is the temper or mixture of gold and silver with baser metall, for the increasing the weight of it so much as may counterballe the Kings charge in the coyning. And this word is used in the Statute of the 9. yeare of H. 5. cap. 11. for the payment of English gold by the Kings weight.

Alvageor.

Alvageor est un officer del Roy, q per luy mesme ou per son Deputy viel al Assise de tout le pane que est fait de lane per tour le terre, & a mitter signets pur tiel purpose ordeignes al eux, 35. E. 3. Stat. 4. cap. 1. Anno 3. R.2. cap. 2. & il est destre accompltable al Roy per chescun pane que est issint seale en un fee ou custome a ceo apperteignant.

Alvageor is an officer of the Kings, who by himselfe or by his Deputy, seeth to the Assise of all cloth that is made & swoll throughout the land, and to put a seale for that purpose ordained unto them, 35. E. 3. Statute 4. cap. 1. Anno 3. R.2. cap. 2. and he is to be accountable to the King for every cloth that is sealed in a fee or custome unto it appertaining.

Almner.

Almner est un officer del Hostel le Roy, & son office est p dispence les almes le Roy chescun jour, & a ceo ppose il ad le collection des tous forfeitures des Deodands & des biens des felons de se que le Roy luy allow p disposer en almes as povers. Et de son office vide Fletam, lib. 2. cap. 22.

Almner is an officer of the Kings house, whose office it is to distribute the Kings almes every day, and to that purpose he hath the collecting of all forfeitures of Deodands, and of the goods of felons de se, which the King allows him to dispose in almes unto the poore. And of his office, see Fleta. lib. 2. cap. 22.

Ambidexter.

Ambidexter.

Ambidexter, is hee that when a matter is in suit betwene men, taketh money of the one side and of the other, either to labour the suit, or such like, or if hee be of the Jury, to say his verdict.

Amendment.

A Mendment, is when Errour is in the Proccesse, the Iustices may amend it after judgement. But if there be errour in giving of judgement, they may not amend it, but the party is put to his writ of Error. And in many cases, where the default appeareth in the clerke that writ the Record, it shall be amended: But such things as come by information of the party, as the towne mystery, and such like, shall not be amended, for he must informe true upon his perill.

Amercement.

A Mercement, most properly is a penalty assessed, by the Peeres or equals of the party amerced, for an offence done, as for lack of suit of Court, or for not amending of some thing that he was appointed to redresse by a certaine time before, or for such like cause, in which cause the party which offendeth putteth himselfe in the mercy of the King or Lord, and thereupon this penalty is called Amerciament.

And there is a difference betwene Amerciaments & Fines, Kitch. 214. For Fines are punish-

Ambidexter.

Ambidexter, est celuy que quant un matt' est en suit perent' homes, prist argent de lun part & del autre, ou pur labour le suit, ou tiels semblables, ou sil soit del Jurie pur dire son verdict.

Amendment.

A Mendment, est quauant error est en le proces, les Iustices poient ceo améder apres judgement. Mes si error soit en judgement done, ils ne poient amender ceo, mes le party est mis al brief de Errour. Et en plusors cases lou le default appiert en le clerke q' escria le Record, il serra amend: Mes tiels choses que vient per information del party, come le ville, mysteric, & huijismodi, ne serra amend, car il doit informer veray a son peril.

Amercement.

A Mercement, pluis properment est un penaltie assesse per les Peeres ou pares del partie amercie, pur un offence fait, come pur default de suit de Court, ou pur non amend de ascun chose que il suit appoint de redresser devant, ou p' tiel semblable cause, en quel case le pry que offend soy mist en le mercie del Roy ou Seigniour, & sur ceo cel penaltie est appel Amerciament.

Et la est un difference parerter Amerciaments & Fines, Kitch. 214. Car Fines sont punishments.

The Exposition of

nishments certaine, que cresceront expresment de alcun Statute, & Amerciaments sont tiels que sont arbitralement impose p les affectors, le quel M. Kitchen semble a confirmer, fol. 78. en ceux parolx, Amerciament est affecte per pares.

Auxy il appiert, Coke lib. 8. fol. 39. que un fine est tous foits impose & assesse per le Court, mes Amerciament, que est appel en Latin *Misericordia*, est assesse per pays.

Auter diversite la est, come si home soit convict devant le Vicount en le Countie, dun Recaption, il serra forsque amercie, mes sil soit convict de ceo en le Common Banke, il serra fine, & le reason de cest diversity est, Que le Counry Court nest pas Court de record, & pur ceo ne poit imposer un fine, car nul Court ne poit imposer fine mes tiel court q est Court de record, Co. lib. 8. fol. 41. a. Si le defendant ou tenat plead un faux fait a luy, ou deny so fait demesne, & ceo est troue vers luy, ou fil, *relicta verificatione cognoscit actione*, il serra fine pur son faulx fine, *Quia certi debemus esse de proprio facto*: Mes si un deny le fait son ancestor, & ceo est troue vers luy, uncore il ne serra fine, mes amercy solemet, *Quia de alieno facto*, Co. lib. 8. f. 60. a. & vide pluis la.

Amercement royal.

A Mercement royal, est quant un Vicont, Coroner, ou au-

ments certaine, which growe expressly from some Statute, and Amerciaments are such which are arbitrarily imposed by the Affectors, the which Master Kitchen seemeth to confirme, Fol. 78. in these words, The Amerciament is affected by Equals.

Also it appeareth, Coke lib. 8. Fol. 39. That a fine is alwayes imposed & assessed by the Court, but Amerciament, which is called in Latin *Misericordia*, is assessed by the Country.

Another diversity there is, For if a man be convicted before the Sheriff in the County of a Recaption, he shall be but amerced, but if he be convicted of this in the Common Bench, he shall be fined; and the reason of this diversity is, That the County Court is not a Court of record, and therefore cannot impose a fine, for no Court can impose a fine, but such a Court as is a Court of Record; Coke l. 8. fol. 41. a. If the defendant or tenant plead a false deed to him, or deny his owne deed, & this is found against him, or he, leaving his owne verification, acknowledgeth the action, he shall be fined for his falsity, because we ought to be sure of our own acts: But if one deny the deed of his ancestor, and this is found against him, yet he shall not be fined, but amerced onely, because it was the act of a stranger, Co. lib. 8. fol. 60. a. and see more there.

Amercement royal.

A Mercement royal, is when a Sheriffe, Coroner, or other such

such Officer of the King is amerced by the Justices for his abuse in the Office. Learne if it shall not be said a fine.

Amoveas manus.

AMoveas manus. See Ouster le mayne.

An, jour, & wast.

AN, jour, & wast, is a forfeiture when a man hath committed petty treason or felony, and hath lands which he holdeth of some common person, which shall be seised for the King, and remaine in his hands by the space of one yeare and a day, next after the attainder, and then the trees shall be digged up, the houses shall be razed and pulled downe, and the pastures and meadowes spered & plowed up, so that he to whom the land should come by escheat or forfeiture, doe not redeeme it of the K. a thing the more to grieve the offenders, and terrifie others to fall into the like, in shewing how the law doth detest their offence, so farre forth as that it doth execute judgement and punishment even upon their dumbe and dead things.

Aniente.

ANiente comes (as some think) from the French Aneantir, that is, se abjicere & prosternere, or rather from the old Latin word Adnihilare; for Aniente in our law language signifies as much as frustrated or made voyde, and this word is used by M. Littleton in his 741. Section.

ter tiel officer del Roy est amercy p les Justices pur son misdemeaning en le office. Quere si ne terra dit fine.

Amoveas manus.

AMoveas manus. Veies Ouster le mayne.

An, jour, & wast.

AN, jour, & wast, est un forfeiture, quant un hōe ad fait petit treason ou felonie, & ad terres queux il tient de ascun common person, queux serra seisi pur le Roy, & remaine en son maines per la space de un an & un jour prochein après le attaind, & donques les arbres seront defosse, les measons seront rases, & les pastures & prees ayres & plowed, si non que il a que le terre devēnera per lechere ou forfeiture, ne ceo redeem del Roy: un chose le pluis de greever le offenders & terrifie auters de cader en autiel, en demonstrance coment le ley detest lour offence, cy avant issint q il execute judgement & punishment sur lour mute & mort chosez.

Aniente.

ANiente venust (cōe semble as ascuns) del Francois Aneantir, (id est) se abjicere atque prosternere, ou potius del veux Latine parol Adnihilare, car aniente en nōstre ley signifie tant come frustrate ou defeat: & cest parol est use p M. Littleton, Sect. 741.

Annates.

The Exposition of

Annates.

Annates est un parol use en
lelt. 25. H.8. cap.20. &
semble d'ee tout un ove Pri-
mitie, car. issint Pol. Virgil. de
inventione rerum l.8. c.2. dit.
quod Annatarum usus multo
antiquior est quam recentiores
quidam scriptores suspicantur,
& Annatas (more suo) appel-
lant primos fructus unius anni
sacerdotii vacantis, aut dimi-
diam eorum partem.

Annua pensione.

Annua pensione, est un
Briefe per que le Roy ayât
due a luy un annuall Pension
d'ascun Abote ou Prior per as-
cû de ses Chapleins q il voile
nosmiera a luy q nest provide
dun competent Benefice,
& ceo demand del dit Abbot
ou Prior pur un q est nosmie en
mesme le Briefe jelsq; &c. Et
auxy luy comandât p le meux
assurance de son Chapleine
a doner ses Letters patents a
luy pur icel, vide Fitzherb.
Nat. Bre. Pol. 231. ou poyes
auxy veyer les nosmes de
touts les Abbeys & Priories q
fueront lie a ceo, en respect
de lour fondation ou creation,
& auxy pur le forme de Let-
ters Patents usualment graüts
sur tiel briefe.

Annuitie.

Annuitie est un certaine sumi
de money grant a un auter
en Fee Simple, Fee Taile, pur
terme de vie, ou pur terme de

Annates.

Annates, is a word used in the
Statute of 25. H. cap. 20.
and it seemes to be all one with
first fruits, for so Pol Virgil. de
inventione rerum, l.8. c.2. sayes,
that Annatarum usus multo anti-
quior est quam recentiores qui-
dam scriptores suspicantur, & An-
natas (more suo) appellant pri-
mos fructus unius Anni Sacerdo-
tii vacantis, aut dimidiam eorum
partem.

Annua pensione.

Annua pensione, is a writ by
which the King having due
unto him an annuall Pension
from any Abbot or Prior, for
any of his Chapleines which he
will name unto him, who is not
provided of a competent living,
and this demandeth of the said
Abbot or Prior for one that is
named in the same writ, untill &c.
And also commaüding him, for
the better certaintie of his Chape-
loine, to give his Letters patents
to him for the same, see Fitzherb.
N. B. 231. where you may also
see the names of all the Abbots
and Priories which were bound
to this in respect of their founda-
tion or creation, and also for the
forms of the Letters patents
usually granted upon such a
writ.

Annuitie.

Annuitie is a certaine summe
of money granted to another
in fee simple, fee taile, for
terme of life, or for the terme of
yeares,

years, or to receive of the grantor, or of his heires, so that no freehold is charged therewith, whereof a man shall never have Issue nor other Issue, but a Writ of Annuity, and it is no Assets to the heir of the Grantor to whom it shall descend.

There are many differences between Annuities and Rents: for every Rent is issuing out of land, but an Annuity is not issuing out of land, but chargeth the person, that is to wit, the grantor, or his heires, which have assets by descent, if that some speciall proviso be not to the contrary, as Lit. Sect. 220.

Also for an Annuity no Action lieth, but only a Writ of Annuity against the grantor, his heires or successors: and this Writ of Annuity never lieth against the taker of the profits, but only against the Grantor, or his heires. Where for a Rent, the same Actions lie against the Tenant of the land, and sometimes against him that is taker of the Rent, that is to say, against him that taketh the Rent wrongfully. Also an Annuity is not to be taken for Writs, because it is not any freehold in Law. And it shall not be put in execution upon a Statute Merchant, or Statute Staple, or Elegit, as a Rent may. Doct. & Stud. c. 30. See Dy. fo. 345. pla. 2. Also an Annuity cannot be severed, Co li. 8. fo. 52 b. according to the Writs there:

Let no Judge himselfe endeavor Annuities or Debts to sever.

ans, a receiver del Grauntor ou ses Heires, issint que nul franktenement est chargé de ceo, de que home n'aua unques Assise ou autre action, forsque Briefe de Annuity, & nest aucun assets al heire le Grantee a que il descendera.

La sôt plusors differéces perent assuities & réts: Car chescun rent est issuant hors de terre, mes un annuitie nest issuant hors del Terre, mes chargera le persón, cestascavoir, le grantor ou ses heirs q ont assets per descent, sinon q special proviso soit al contrary, come Lit. Sect. 220.

Auxy pur un annuity nul action gist forsque solement un briefe de annuitie vers le Grantor, ses Heires ou Successeurs. Et cest briefe Dannuity ne unques gist vers le Pernor des profits, mes solement vers le Grator ou ses heires: Ou pur un Rent mesmes les Actions gistot envers le tenant del terre, & ascú soit évers celuy que est pernor del Rent, cestascavoir, vers luy que prist le rent torcioussint. Auxy un annuitie nest destr prise p assets, p ceo q nest ascú franktenement en Ley. Et ne serra mis en execution sur un Statute Merchant, Statute Staple, ou Elegit, sicome un Rent puit. Doct. & Stud. c. 30. Vid. Dy. f. 345 pla. 2. Auxy un assuirty ne poit estre seü Co. l. 8. f. 52. b. accordant al metre la:

*Annale aut debitum,
Judex nec separet ipsa.*

Andoyfance.

The Exposition of

Anoysance.

A Noysance est un paroll use en lestatute 22. H.8. cap. 5. & signifie nient plus q Nufance, & pur ceo vide tit. Nufance apres.

Appeale.

A Ppeale est lou un ad fait murder, robbery, ou mayhem, donques la feme cestuy que est tue, avera un action de Appeal vers le murderer, mes si nad feme, donques son procheine heire male avera le appeale a ascun temps deins lan & jour apres le fact.

Et auxy cestuy q est issint robbe ou maymed, avera son appeale, & si le defendant soit acquite, il recovers damages vers le appellour & labbetours, & ils averont le imprisōmēt dū an, & ferra fine al Roy. Appeale de mayhem nest en manner forsque action de trespassse, car il ne recovers forsque damages.

Appeales sōt cōmence deux voyes, ou per brieve, ou per bill: Per brieve, quant un brieve est purchas hors del Chācery per un home vers auter home, luy cōmandant quē il appealera un tierce home dascun felonie ou auter offence per luy comit, & a trover pledges que il ceo ferra oue effect, & cest brieve est destre deliver al Vicount destre record.

Appeale per bill, est, quant un home de luy mesme done son accusatiōn dauter home

Anoysance.

A Noysance is a word used in the Statute of 22. H.8. cap. 5. and signifies no more than Nufance, and therefore see title Nufance afterword.

Appeale.

A Ppeale is where one hath done a murder, robbery, or mayhem, then the wife of him that is slain shall have an Action of Appeal against the murderer, but if he have no wife, then his next heir male shall have the Appeal at any time within a years and a day after the deed.

And also he that is so robbed or maimed, shall have his Appeal, and if the Defendant be acquitted, he shall recover damages against the Appeller and the Abbetots, & they shall have the imprisonment of a years, and shall make fine to the King. The Appeals of mayhem is in manner but a trespassse, for he shall recover but damages.

Appeales are commenced two wayes, either by writ, or by bill: By writ, when a writ is purchased out of the Chācery by one man against another man, commanding him, that he shall appeal a third man, of some felony or other offence by him committed, and to finde pledges that he shall doe this with effect, and this writ is to be delivered to the Sherife to be recorded.

Appeale by Bill, is when a man of himselfe giveth his accusation of another man, in writing

to the Sheriffe or Coroner, and taketh upon himself the burthen of appealing him that is named in the said writing. Appellant is the Plaintiffe in the appeale.

Appendant et appurtenant.

Appendant et appurtenant are things that by time of prescription have belonged, appertained, and are joynd to another principall thing, by which they passe and goe as accessary to the same speciall thing, by vertue of these wordes Pertinentiis : as lands, Adousons, Commons, piscaries, wayes, Courts, and diuers such like, to a mannor, house, office, or such others.

Apportionment.

Apportionment is a diuiding into parts of a rent which is dividable, and not entire or whole, and for as much as the thing out of which it was to be payed, is separated and divided, the rent also shall be divided, having respect to the parts. As if a man have a Rent service issuing out of land, and hee purchaseth parcell of the land, the rent shall be apportioned according to the value of the land.

So if a man hold his land of another by Homage, Fealty, escuage, and certaine rent, if the Lord of whom the land is holden, purchase parcell of the land, the rent shall be apportioned.

And if a man let Lands for yeares, reseruing Rent, and after a Stranger recouereth part of the Land, then the Rent shall be ap-

en escript al Vicour ou Coroner, & prist sur luy le burden dappealing cestuy que est nomme en le dit Escrip. Appellant est le Plaintiffe en lappeal.

Appendant & Appurtenant.

Appendant & appurtenant s'ont choses q p tēps de prescription ont belong, appertaine, & s'ont joyne al un autre principall chose, ovesq, q ils passent & va come accessar al m principal chose per vertue de ceux parols Pertinentiis : cōc terre, adousons, cōmons, piscaries, chimins, courts, & diuers tiels semblables, al un Maf, meason, office, ou tiels auts.

Apportionment.

Apportionment est un diuiding en parts de un Rent, le quel est dividable, & nient entier ou whole, & entant que le chose hors de quel il fuit destte pay, est separate & divide, le rent auxy serra divide, ayant respect a les parts. Si come un home ad un rent service issuant hors de terres, & il purchase parcel de le terre, le rent serra apportion accordant al value del terre.

Issint si home tient son terre dun autre per homage, fealty, escuage, & certaine rent, si le Seignior de que le terre est tenus, purchase parcell del terre, le rent serra apportion.

Item si hōc lessā terres pur ans, reservant Rent, & apres un estrange recoū part de le terre, donques le Rent serra apportion

The Exposition of

apportion, cest adire, divide, & le lessce paiera, aiant respect a ceo que est recoü, & a ceo q ore remaine en ses maines, accordant al value.

Mes un Rent charge ne poit estre apportion, ne choses que sont entier: Sicome un tient fres p service de payer a son Seignior annuelment a tiel feast, un Chival, Esperver, un Rose, un Cherrey, ou tiels scéblables, la si le Snt purchase pcel de la fre, cest service est tout ale, p ceo que un Chival, Esperu, Rose, ou un Cherrey, & tielx aufs, ne poient estre divide, severed, ou apportion, sans damage al entierty.

Mes en ascü cases Récharge serra apporció, cõe si home ad Rent charge issuant hors de terre, & son per' purchase parcel de les terres charges en fee, & morust, & cel parcel descend a son fits que ad le Rent Charge, ore cel Charge serra apportion solonque le value de la terre, pur ceo que tiel portion de la terre purchase per le pere ne vient al fits per son fait demesne, mes per descent, & per course de Ley.

Common appendant est de common droit & severable, & comeat que le commoner en tiel case purchase parcel del terre en q le common est appendant, unc' le common serra apportion: mes en tiel case common appurtenant & nemy appendat per tiel purchase est extinct. Coke, l.8, fol. 79.

portioned, that is to say, divided, and the lessce shall pay, having respect to that which is recovered to that which yet remaineth in his hands, according to the value.

But a Rent charge cannot be apportioned, nor things that are entire: As if one hold land by service, to pay to his Lord yearly at such a feast, a Horse, a Hawke, a Rose, a Cherry, or such like, there if the Lord purchase parcel of the land, the service is gone altogether, because a Horse, a Hawke, a Rose, a Cherry, and such other cannot be divided, severed, or apportioned, without hurt to the whole.

But in some cases Rent charge shall be apportioned, as if a man hath a Rent charge issuing out of land, and his father purchase parcel of the lands charged in fee, and dieth, and this parcel descendeth to his son which hath the Rent charge, there this charge shall be apportioned according to the value of the land, because that such portion of the land purchased by the father, cometh not to the son by his owne Inheritance, but by descent, and by course of Law.

Common appendant is of common right and severable, and although that the commoner in such case purchase parcel of the land wherein the common is appendant, yet the common shall be apportioned: But in this case common appurtenant and not appendant, by such purchase is extinct. Coke, l.8, fol. 79.

Apostata

Apostata capiendo.

Apostata capiendo, is a writ directed to the Sheriffe, for the taking of the body of one who having entred into, and professed some order of religion, leaves his said order, and departs from his house, and wanders in the country: upon a certificate of this matter made by the soveraigne of the house in the Chauncery, and the paying of the said writ, he shall have it directed to the Sheriffe for the apprehending of him, and redelivery of him to the said soveraign of the house, or his lawful attorney. And see the forme of this writ in Fitzh. N.B. 233. c.

Appropriations.

Appropriations were then those houses of the Romish Religion, & those religious persons, as Abbots, Priors, and such like, had the advowson of any Parsonage to them and to their successors, and obtained licence of their holy Father the Pope, and of the Ordinary and King, That they themselves and their successors from thenceforth should be Parsons there, and that it shall be from thenceforth a Vicarage, and that the Vicar shall serve the cure. And so at the beginning appropriations were made onely to those persons Spirituall that could minister the Sacraments, and say divine Service, as Abbots, Priors, Deanes, and such like. After by little and little they were enlarged & made to others, as namely, to a Deane and

Apostata capiendo.

Apostata capiendo est un bfe direct al viscount p le prent del corps dū que ayant ent & professe aucun order de religion, relinquit le dit order, & waive son meason, & est vagraunt en le pais: & sur un certificate de c' matter p le soveraigne del dit measc de religion fait en le Chauncery, & le prier del dit bfe, il aū ceo direct al viscount pur lapprendre de luy, & redelivery al dit soveraigne del measc ou son loyall attorney. V. le forme del bfe en Fitzh. N.B. 233. c.

Appropriations.

Appropriations fuer' quant ceux meafōs de le Romish Religion, & ceux religious persons, come Abbots, Priors, & tiels semblables, avoient le advowson de aucun Parsonage al eux & a leur successors, & obtaine licence de leur S. Pere le Pape, & de le Ordinary & Roy, q̄ ils mesmes & leur successeur de ceo in avant doient este Parfōs la, & il serra é avāt un Vicarage, & que le Vicar servera le Cure. Et issint al cōmēcent appropriations fueront faits solements a ceux persons Spiritualls, que puissioient minister les Sacraments, & dire divine Service, come Abbes, Priors, Deanes, & tiels semblables. Apres p petit & petit ils fueront enlarge & fait as auters, come nosnement al Deane

The Exposition of

Deane & Chapter, quel est corps corporat, consisting de plusieurs, quel corps ensemble ne puïssot dire divine service, & que plus fuit, al Nuns que fueront Prioresse de ascū Nūry, quel fuit chose horrible, en tant q̄ ils ne puïssoiēt minister Sacraments, ne preach, ne dire divine Service al parochians.

Il est tout ceo fuit sur pretence de hospitality & maintenance de ycel. Et de supplier cel defects un Vicar fuit devise, quel serroit deputy, al Priors ou Deane & Chapter, & auxy al darrein al dit Abbes, & auters a dire divine Service, & il auroit pur son labour forsque petit portion, & ils a quel le appropriations fueront fait, reteigneront le grand revenus, & ils seloyent riens pur ceo, per meanes de quel hospitality decay en le lieu ou il doit estre chiefement gard, nōsmement en le parish ou le benefit fuit, & ou les profits cressoyent, & issint il continue tanq; a cest jour, al grand hinderance de erudition, al impoverishment de le Ministry, & le infamie de le Gospel, & le professors de ycel.

Le Vicar avera un certaine portion del Benefice, & que le Abbe & le Covent serront Parsons, & averont les autres profits; cest appelle un Appropriation, & donques le Abbe & le Covent serront Parsons imparsonees: mesiel Appropriation ne poit

Chapter, which is body corporate, consisting of many, which body together could not say divine Service, and which was more, to Nuns that were Prioresse of some Nunnrie, which was a wicked thing, inasmuch as they could neither minister Sacraments, nor preach, nor say divine service to the parishioners.

And all this was upon pretence of hospitality and maintenance thereof. And to supply these defects, a Vicar was devised, who should be deputy to the Priors, or to the Deane and Chapter, & also at the last to the said Abbots, and others, to say divine Service, and should have for his labour but a little portion, & they to whom the appropriations were made, should retain the greater revenues, and they did nothing for it, by meanes whereof hospitality decayed in the place where it ought to have been chiefly maintained, namely in the Parish where the Benefice was, and where the profits did grow, and so it continues to this day, to the great hinderance of learning, to the impoverishment of the Ministry, and to the infamy of the Gospel, and profits for thereof.

The Vicar shall have a certaine Portion of the Benefice, and the Abbot and the Covent shall be Parsons, and shall have the other profits: This is called Appropriation, and then the Abbot and Covent shall be Parsons imparsones: But such Appropriation may not be made to ha-

in the life of the Parson without his assent.

And after the Church was appropriated, then was it an Incident, inseparable to the House of Religion, to which it was so appropriated. And therefore, where the Lands of the Templars in England were given by the general words of an Act of Parliament of 17. Ed. 2. to the Hospitallers, it was adjudged, That the Hospitallers by the said Act should not have the Appropriation, for it was inseparably annexed to the Corporation of the Templars: which thing consisting in an inseparable privity, by the general words of an Act of Parliament, shal not be transferred to others. Coke lib. 7. fo. 13. a.

But if such advowsons of the Parsonage be recovered by ancient title, then the Appropriation is annulled. And it is called Appropriation, for that they hold the profits to their owne proper use.

Approver.

An Approver or Appellor, is he who hath committed some felony, which he confesseth, and now appealeth or approbeth, that is to say, accuseth others which were coadjutors or helpers with him in doing the same, or other felonies, which thing he will approve: And this prove is to be either by bataille, or by the countrey, at his election that appealed. This accusation is often done before the Coroner, who either is assigned to the felon by the court to take and record that which he

estire fait a commencer en le vie le Parson, sans son assent.

Et apres L'esglise fuit appropriate, donques fuit ceo un Incident, inseparable al Meason de Religion, a que ceo fuit issint appropriate. Et pur ceo, ou les terres des Templars en Angleterre fues donec per les general parols dun Act de Parliament de 17. Ed. 2. al Hospitallers, fuit adjudge que les Hospitallers p le dit Act naveront l'appropriation, car ceo fuit inseparablement annex al Corporation des Templars: quel chose consistant en inseparable privite, per general parols dun Act de Parliament, ne serra transferre al auters. Coke lib. 7. fol. 13. a.

Mes si tiel Advowson del Parsonage soit recover p ancient title, doques l'appropriation est adnullée. Et est appel appropriation, cur ceo q ils teigne les profits a leur proper use.

Approver.

An Approver ou Appellor, est cestuy que ad fait ascū felony, le quel il confesse, & a ore appeale ou approve, cest adire, accuse auters que fueront coadjutors ou aydors oue luy en felans de ceo, ou auters felonies, le quel chose il voyle approver: Et cest prove est destre ou per bataille, ou per le pais, a son election q approve. Cest accusation est plusors fois fait devant le Coroner, q ou est assigne al felon per le Court, a preder & recorder ceo

The Exposition of

q il dit, ou est appel p le felon luy mesme, & require pur le boñ del Prince & publique weale, a recorder ceo que il dirra. Le Serement del Approver, quant il cōmence le combat, come auxy le proclamation per les Heraulds, appearont en Crompton, pag. ult.

Si home q est de bone fame, soit appeale per un Approver, p q il est prise & deteigne en prison, uncore il poit aver un brieve desfre direct al Vicount, luy commandant a permettre le party appeale desfre bayle p bone Mainperners. Mes si hōe appeale p un Approv, soit deteigne en prison, & apres le Approver devie, la il puit sue un brieve direct al Viscont, a pmitter luy de aler a mainprise sur bone suerry, sil ne soit un notorious felō, comit q il ne soit de bōe fame, *F.N.B. 250.d.*

Approvement.

Approvement est lou un hōe ad cōmon en le wast terre de Seignior, & le Seignior eclose part del wast terre pur luy mesme, relinquishant niēt obstant sufficiēt Common, oue egressē & regressē pur les commoners. Cest inclosure est apcl Approvement.

Approvers le Roy.

Approvers le Roy sont ceux que ont le demiser des demeanes le roy deins petites mānors le roy p le plus availe le roy. Et des tiels Approvers poies veier en lestatute fait a

saith, or is called by the himselfe, and required for good of the Prince & Common wealth, to record that which shall say. The Oath of the Approver, when he beginneth Combat, as also the proclamation by the Heraulds, appear in Crompton, pag. ult.

If a man that is of good fame be appealed by an approver, which he is taken and kept in Prison, yet he may have a writ to be directed to the Sheriff commanding him to suffer the party appealed to be bayled upon good sureties. But if a man be appealed by an Approver, be he in Prison, and afterwards the Approver death, there he may have a writ directed to the Sheriff, suffer him to be bayled upon good surety, if he be not a notorious felon, although he be not of good fame, *Fitz. N.B. 250. d.*

Approvement.

Approvement, is where a man hath common in the King's wast ground, and the King ecloseth part of the wast for his selfe, leaving notwithstanding sufficient Common, with egress & regress for the Commoners. This inclosing is called Approvement.

The Kings Approvers.

The Kings Approvers are those that have the letting of the King's demeanes in small manors for the Kings greater advantage. And of such Approvers you may read in the Stat. 1. cap.

cap. 12. that they were men sent into divers Counties to increase the farmes of hundredes and wapentakes. And you may see in the Statute made in 1. E. 3. cap. 1. that the Sherifes call themselves the Kings Approvers.

Arbitrement.

An Arbitrement is an Award, determination, or judgement, which one or more maketh at the request of two parties at the least, or upon some debt, trespass, or other controversy had between the said parties. And this is called in Latine Arbitratus, & Arbitrium, and they that make the award or arbitrement are called Arbitri, in English Arbitrators.

To every arbitrement these things are incident, sc. Matter of controversy, submission, parties to the submission, arbitrators, and giving up of the arbitrement. Dyer 217. pla. 60. If the Arbitrement be made, that the one party shall goe quit of all Actions which the other hath against him, nothing is said of the Actions which he hath against the other, this arbitrement is bovd, because it was made of the one part, and not of the other. 7. H. 6. cap. 40.

When a submission to an arbitrement is generall of all actions, &c. and the Arbitrator makes an award only of one, yet this may well stand with the generality of the words, that there was not one cause depending between them, for a generality implieth no certainty. And if the arbitrement should be for this avoyded, then

E. 3. cap. 12. q fueront hoēs mises en divers counties p increaser les farmes des Hūdrede & wapentakes. Et est a veier en leitar. 1. E. 3. cap. 8. que les viscounts appel eux mesmes les Approvers le Roy.

Arbitrement.

An Arbitrement est un award, determinatiō, ou judgment, quel un ou plusieurs font al request de deux ptes al meins, pur & sur ascū det, trespass, ou autre controverse ewe perēter les dits ptes. Et cest appel en Latin Arbitratus, & Arbitrium, & ils q font le award ou arbitrement, sont appel Arbitri, en Anglois, Arbitrators.

A chescun Arbitrement cinque choses sont incident, sc. Matter de controverse, Submission, parties al submission, arbitrors, & rendre suis del arbitrement. Dyer 217. placito 60. Si l'arbitrement soit fait, que lun partie alera quit de tous actions que l'autre ad vers luy, & riens est dit des actions que il ad vers l'aut, cest arbitrement est voyd, p ceo que fuit fait de lun part, & nemy de l'autre. 7. H. 6. 40.

Quant un submission a un arbitrement est generall de tous actiōs, &c. & le arbitrator fait un award seulement de un, uncore ceo bien poit estoier ou les generality des parols, q la ne fuit forsq; un cause depēdāt perent eux, car generale nihil certe implicat. Et si le arbitrement serroit pur ceo avoide, E 2 donque

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donq; plusors arbitremts poiēt estre avoyd, car lū poit cōgeale un trespasse fait, ou auter cause daction done a luy, & issint avoyde l'arbitremt. Auxy nul party al ascū Arbitremt serra per ceo lye, sinon que le agard soit a luy deliver, come est Coke lib. 5. fol. 103. Vide Coke lib. 8. fol. 98.

Archies.

Archies (five Curia de Arcubus) est le principal & plus ancien consistory que appertaine al Archevesq; de Canterbury, & est appel le Archies del esglise lou le dit court est tenu, viz. *Ecclesia Beata Maria de Arcubus* en Londres. Et de cest court mention est fait en lestatut. fait en 24. H. 8. cap. 12. touchant Appeales.

Array.

Array est le disposing ou ordering dū Jury, ou Enquest de homes, q̄ sōt impanel sur ascū cause, 18. H. 6. ca. 14. de que vient le verbe, al arrayer un pannel, Vet. N. B. fol. 157. Cest adire, a mitter hors un pauter, les hōes q̄ sōt empānel. Le array serra quāsh, ibid. Per statute, chescun array en Assise devoit destre fait quater jours devant. Brook. tit. Panel nū. 10. A challeng' le array. Kit. 92.

Arraine.

Arraine, est a mitter un chose en order, ou en son lieu: Si come il est dit al arraine un brieſe de Novel Disseisin en un

many arbitremts might be voyd, for the one might commit a trespass done, or other cause of action given unto him, and so avoid the arbitrement. Also no party to any arbitrement shall be bound, unless that the award be delivered unto him, as is Coke lib. 5. fol. 103. See Coke lib. 8. fol. 98.

Archies.

Archies (or the Court of Archies) is the chiefe and most ancient consistory belonging to the Archbishop of Canterbury, and it is called the Archies of the Church where the Court is holden, namely Bow-Church in London. And of this Court mention is made in the Statute made in 24. H. 8. cap. 12. touching Appeals.

Array.

Array is the taking or ordering of a Jury, or Enquest of men that are impanelled upon any cause, 18. H. 6. ca. 14. from whence cometh the Verbe, to array pannel, Old B. N. fol. 157. It is to say, to set forth one by one, either the men that are impanelled. The array shall be qualified. By Statute every array in Assise ought to be made five dayes before, Br. tit. Panel, nū. 10. To challenge the array, Kit. 92.

Arraine.

Arraine is to put a thing in order, or in his place: As he is said to arraine an Assise of Novel Disseisin in a County in which

brought to be brought for tryall
before the Justices of that Cir-
cuit, Old N.B. fol. 109. And in
this sense, M. Lit. hath used the
same word. The Lessee arraigneth
an Assise of Novel disseisin. Also
a prisoner is said to be arraigned,
when he is indicted and put to
his trial.

Arrest.

Arrrest is when one is taken
& restrained from his liberty.
None shall be arrested for Debt,
Trespasse, Detinue, or other
cause of Action, but by vertue of a
Precept or Commandement out
of some Court. But for Treas-
on, Felony, or breaking of the
Peace, every man hath authori-
ty to arrest without Warrant or
Precept. And where one shall be
arrested for Felony, it behooveth
that some Felony be done, and
that he be suspected of the same
Felony, or otherwise he may
have against him that did so ar-
rest him, a writ of false Im-
prisonment. And when any man
shall be arrested for Felony, he
shall be brought to the Gaole, there
to abide untill the next Sessions
for to be indicted, or for to be de-
liberated by Proclamation.

Arrerages.

Arrerages are duties behind
unpaid after the dayes and
times in which they were due &
ought to have been paid, whether
they be rent of a Mannor, or any
other thing reserved.

Arretted.

Arrretted is he that is conden-
ned before any Judge, and

coutry en q'il devoit estre port
pur triall, devāt les Justices de
cel circuit, Ver. N.B. fo. 109. Et
en tiel sens M. Lit. ad use
mesme le pol. Le Lessee ar-
raignū un Assise de Novel dis-
seisin. Auxy un prisoner est d'ic
deffre arraigne, qnt il est in-
dict & mis a son trial.

Arrest.

Arrrest est quant un est pris
& restraine a son liberty.
Nul serra arrest pur det, tres-
passe, detinue, ou autre cause
de action, mes per vertue dun
precept, ou commandement
hors de asc' Court. Mes pur
treason, felonie, ou debrufer
del peace, chescun home ad
auctoritie de arrester sans gar-
rantie ou precept. Et lou un
serra arrest pur felonie, il co-
vient que ascun felonie soit
fait, & que il soit suspect de m
le felonie, ou autrement il
poet au enus luy que issint luy
arrest, un brieve de faux im-
prisonment. Et quaut ascun
home est arrest pur felonie, il
serra amene a le Gaule, la a de-
murr tanq; al pchein Session
pur este indict, ou p este deli-
ver per Proclamation.

Arrerages.

Arrerages sont duties arere
nient pay apres le jours &
temps en q'il sueront dues,
& doient autre estre payes,
soient ils rent de Manor, ou
ascun autre chose reserve.

Arretted.

Arrretted est cestuy que est
appel devant asc' Judge, &
charge.

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charge oué un crime. Afcun fois ceo est use pur impute ou laid unto, sicome nul folly puit estre arret a luy que est deins age, *Lit. Cap. Remit.* Cest parol poyt estre dit a vener del Latine parol *Rectus*, car Monsieur *Bracton* ad cest phrase, *Ad rectum habere malefactorum*, issint que il poit estre charge & mis a son trial. Et en auter lieu il dit, *Rectatus de morte hominis.*

Assayer.

A Slayer est un officer del Mint appoint p lestatute 2. H. 6. cap. 12. dce present al rescier del Bullion, cœ un party indifferent enf le Master del Mint & le Merchant, pur determiner le veray value del bullion solonque le ley.

Assart.

A Sfar est un offence commit en le Forest per arrachant le boys que sont Thickets ou cœverts del Forest, & p seafance de eux cy plaine come le terre arrable. Cest Assart del Forest est le pluis grand offence ou trespassse de routs auters q puit estre fait en le Forest, al Vert ou Venison, conteignōt en ceo Wast, ou pluis: Car ou wast del Forest nest forsque le felling & succiding del covert boys q poert ē temps recrescer; Un Assart est un attachment p le root, per q ils ne unques poient crescerare; M. Manwood, part. 2. cap. 9. nu. 1. Un brieie de *Ad quad*

charged with a Crime. Sometimes it is used for impute laid unto, as, no folly can be arrested to him that is within age, *Lit. Cap. Remit.* This word may be said to come of the Latin word *Rectus*, for Monsieur *Bracton* hath this phrase, *Ad rectum habere Malefactorum* so that he may be charged and put to his trial. And in another place he saith, *Rectatus de morte hominis.*

Assayer.

A Slayer is an officer of the Mint appointed by the Statute of H. 6. cap. 12. to be present at taking in of the Bullion, as a party indifferent between the Master of the Mint & the Merchant, to set the true value of the Bullion according to the law.

Assart.

A Sfar is an offence committed in the Forest, by pulling up the roots the Woods which are Thickets or covert of the Forest, and by making of them as plain as the arrable Land. The Assart of the Forest is the greatest offence or Trespassse of all others that can be done in the Forest, to Wret or Venison, committing in it Wast, or moze: for where wast of the Forest is nothing but the felling and cutting down of the covert Wood, which may in time grow again; An Assart is a pulling up by the root, by which they can never grow again, Master Manwood, part. 2. cap. 9. nu. 1. A brieie of

quod damnum may be awarded, where a man will sue licence to have his land within the Forest, and make it seuerall for Tithings, so that it is no offence if it be done by licence, Regist. orig. fol. 257.

Assets.

A Ssets is in two sorts, the one called, Assets per discent, the other, Assets enter maines: Assets per discent is where a man is bound in an Obligation, and di- each seised of lands in Fee-simple, which descend to his heire, then his land shall bee called Assets, that is to say, enough or sufficient to pay the same debt, and by that means the heire shall be charged as far as the land so to him descended will stretch. But if he have aliened before the Obligation be put in suit, he is discharged.

Also when a man seised of lands in taile, or in the right of his wife, alieneth the same with warranty, & hath in value as much lands in Fee-simple, which descendeth to his heire, who is also heire in taile, or heire to the woman: Now if the heire, after the decease of his ancestor being a knight of Fournedon, or Sur cui in vita, for the land to aliened, then hee shall be barred, by reason of the warranty, and the land so descended, which is as much in value as that was sold, so thereby hee hath received no prejudice: and therefore this land is called Assets per Discent.

Assets enter Maines is when a man indebted (as before is said) maketh executors, and leaeth to

damnum poit estre agard; ou un home voile sue pur un licence dasset son terre deins le Forest, & faire c' seuerall p agriculture, issint que nest aucun offence sil soit fait per licence, Reg.orig. fol. 257.

Assets.

A Ssets est en deux sorts, lun appel, Assets per discent, l'autre, Assets enter maines. Assets per discent est, lou un h'ce est oblige en un Obligation, & morust seisie de terres en Fee-simple, queux descend a so heire, donques cest terre serra appel Assets, cest adire, suffisiet de payer cest dette, & p cest meanes le heire serra charge cy avant q le terre issint a luy disced voil stretch: mes sil ad alien devat q l' obligation soit mise en suit, il est discharge.

Auxy quant un home seisie de terre en Taile ou en droit de son feme, alien ceo oue Garranty, & ad e value tant Terre en Fee-simple, que descende a son heire, q est auxy heire en taile, ou heire al feme: Ore si le heire apres le mort son ancestor port un Brieft de Fournedon, ou Sur cui in vita, pur le terre issint alien, doques il serf barre, p reason du garranty, & le terre issint disced, q est tat e value come ceo q fuit vende, & issint per ceo il nad receive aucun prejudice: & pur ceo cest terre est appel Assets per discent.

Assets enter Maines est, quant un home en det, come devat est de, fait executors, & relinquist

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a eux sufficient de payer, ou
 aucun commodity ou profit est
 venus al eux en droit leur te-
 starour, cest appel Assets en
 leur maines.

Assignee.

Assignee est celuy, a que un
 chose est appoint ou assigné
 deste occupy, pay, ou fait, &
 est tous foits tiel pson, q occu-
 py ou ad le chose issint assigne
 & son droit demesne, & pur luy
 mesme: Et de Assignees il y
 font 2. sorts; nosment, Assignee
 en Fait, & Assignee en Ley.

Assignee en Fait, est quaut
 un Lease est graunt al un & a
 ses Assignees, ou lās ceux pols,
 Assignees, & le grantee done,
 graunt ou vende le dit Leas al
 auter, il est sō Assignee en fait.
 Assignee en ley est chescū ex-
 ecutor nosme p le testator en
 son testamēt: cōe si un Leas soit
 fait al un hōe & a ses Assignee
 (sicome est avantdit) & il fait
 ses executors, & morust sans
 assignement del Leas al aucun
 auter; Ore les executors ave-
 ra mesme le Leas, pur ceo que
 ils sont ses Assignees en Ley.
 Et issint est en auters sembla-
 bles cases.

Assise.

Assise est un Brieve, & gift ou
 aucun home est mis hors de
 son terre, ou tenemts, ou de al-
 cun profit aprender en certain
 lieu, & issint disceise de son
 frāktenemēt. Frāktenemēt a al-
 cū hōe, est lou il est seise de terres
 ou tenemts, ou profit a prēder

them sufficient to pay, or
 commodity or profit is come
 to them in right of their tes-
 tor, this is said Assets in
 hands.

Assignee.

Assignee is he, to whom a thing
 is appointed or assigned to be
 occupied, paid, or done, and is
 swayed such a person, which occu-
 pieth or hath the thing so assigned
 in his owne right, and for him-
 selfe: And of Assignees there be
 two sorts, namely, Assignee in
 Deed, and Assignee in Law.

Assignee in Deed, is when
 a Lease is granted to a man and
 his assignees, or without these
 words assignees, and the grantee
 giveth, granteth, or selleth the
 same Lease to another, he is his
 Assignee indeed. Assignee in
 Law is every Executor named
 by the testator in his testament.
 As if a Lease be made to a man
 and his Assignees (as is afore-
 said) and he maketh his Execu-
 tors, and dyeth without assign-
 ment of the Lease to any other,
 Now the executors shall have the
 same Lease, because they are his
 assignees in Law: And so it is
 in other cases.

Assise.

Assise is a writ, and it lyeth
 where any man is put out of
 his lands, tenements, or of any
 profit to be taken in a certain
 place, and so disseised of his free-
 hold. Freehold to any man, is
 where he is seised of lands and
 tenements, or profit to be taken

in Fee-simple, Fee-taile, for terme of his owne life, or for terme of another mans life. But the tenant by Elegit, tenant by Statute Merchant, & Statute Staple may have Ailise, howbeit that they have no Freehold, and this is ordained by others Statutes.

Also in an Ailise it is needfull alwayes that there be one disseisor and one tenant, or otherwise the writt shall abate.

Also where a man is disseised, and recovereth by Ailise of Novel Disseisin, and afterward is again disseised by the same Disseisor, he shall have against him a writt of Redisseisin directed to the Sheriffe to make inquisition, and if the redisseisin be found, he shall be sent to prison. Also if one recover by Ailise of Mortdauncester, or by other Jury or default, or by reddition, and if he be another time disseised, then hee shall have a writt of Post disseisin, and he which is taken and imprisoned for redisseisin, shall not be delivered without speciall commandement of the King. See the Statutes thereof, Merton cap. 3. Marlebridge cap. 8. & Westminster 2. cap. 26. There is also another Ailise, called Ailise of Fresh Force, and lyeth where a Man is disseised of tenements which are disseisable, as in the City of London, or other Boroughs or Townes that be Franchises, then the Defendant shall come into the Court of the said Towne, & enter his plaint, and shall have a writt directed to the Mayor, or Bailiffes, &c. and thereupon shall passe a Jury in

in Fee-simple, Fee-taile, pur terme de so vie demesne, ou pur terme d'auter vie. Mes teneant p Elegit, tenant p Stat. Merchant & Statute Staple poyent aver Ailise, comt que ils nont Franktenement, & ceo est ordaine per divers Statutes.

Auxy en Ailise il covient tous foits que il soit un Disseisor & un Tenaunt, ou autrement le Brieft abatera.

Auxy ou un hōe est disseisic, & recovera p Ailise de Novel Disseisin, & puis est auter foits disseisic p mesme le Disseisor, il avera vers luy un Brieft de Redisseisin directe al Viscōt de faire inquisition, & si troue soit le Redisseisin, il serra mis en prison. Auxy si hōe recovers p Ailise de Mortdauncester, ou p auter Jury, ou per default, ou reddition, & sil soit auter foits disseisic, il avera donques un Brieft de Post disseisin, & cestuy q̄ est pris & imprison pur redisseisin, ne serā deliver sans especiall commandemt le Roy. Vide les Estatutes inde Merton cap. 3. Marlebridge, cap. 8. & Westminster 2. cap. 26. Auxy il est un auter Ailise de Fresh Force, & gist lou hōe est disseisic de Tenements queux sont devisables, come en le City de Londres, ou auter Boroughs ou Villes que sont Enfranchises, donqs le Defendant viendra en le Court del dit Ville, & entra son plaint, & avera un Brieft direct al Maior, ou Bayliffes, & sur ceo passera un Jury en manner de Ailise de

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de Novel Dissisin. Mes il covient que il enter son plaint deins quadragint jours, ut dicirur, ou autrement il serra mise a le common Ley. Et si les Ministers delay execution, donques le plaintife avera un auter brieve daver execution, & *Sicut alias*, & un *Pluries*, &c. Vide Littleton cap. Rents, Assise est noline equivocum, &c.

Assise de darreine
presentment.

A Sise de darreine presentment. Vide de ceo apres titre *Quare impedit*.

Assise de Mortdancer.

A Sise de Mortdancer. Vide ceo apres titulo *Cofinage*.

Association.

A Ssocation est un Patent mis p le Roy, ou de son motion demesne, ou al suit del partie plaintife, al Justices de Assise pur aver auters psons associes al eux de prender le Assise: Et sur ceo patent de associati-on, le Roy mandera son Brieve as Justices dassise, eux commandant per icel de eux admitter que sont issint mis.

Si le Roy fait trois Justices de assise, & puis l'un de ceux devie, ore le Roy poit faire un patent a un auter dassociation, de associer luy a les deux, en lieu de cestuy que est mort, & un Brieve, que serra close, direct a les deux Justices que sont en vie, de luy admitter. *Fit. 7y. 2. 185.*

manner of Assise of Novel Dissisin. But it behooveth that he enter his plaint within forty dayes, as it is said, or otherwise he shall be sent to the Common Law. And if the Officers delay the execution, then the plaintiff shall have another writ to have execution, and a *Sicut alias*, and a *Pluries*, &c. See Lit. cap. Rents. Assise is a word of two significations, &c.

Assise de darreine
presentment.

A Sise de darreine presentment. Looke therof in the title *Quare impedit*.

Assise de Mortdancer.

A Sise de Mortdancer. Looke therof in the title *Cofinage*.

Association.

A Ssocation is a Patent sent by the King, either of his own motion, or at the suit of the Party Plaintiff, to the Justices of Assise, to have other persons associated to them to take the assise: And upon this patent of association, the King will send his writ to the Justices of assise, by commanding them to admit them that are so sent.

If the King makes three Justices of assise, and afterwards one of them dyes, there the King may make a patent to another association, to associate him to the two, in place of him that is dead, and a writ, which shall be close, directed to the two Justices that are alive, to admit him. *Fit. N.B. 185.*

Assise.

Affoile.

Affoile comes either from the Latine, *Absolvere*, or from the French *Abouldre*, & signifies to deliver or discharge a man of an excommunication, and so it is used by Stamford, in his Pleas of the Crown, the second booke the 18. chap. fol. 71. B.

Assumpfit.

Assumpfit is a voluntary promise made by word, by which a man assumeth and taketh upon him to performe or pay any thing to another. This word containeth in it any verball promise made upon consideration, which the Civilians expresse by many words, according to the nature of the promise, calling it sometime, *Pactum*, *Promissionem*, other times, *Sponfionem*, *Pollicitationem*, or *Constitutum*.

Attach.

Attach is a taking or apprehending by command or writ. There are some differences betwene an arrest and an attachment, for an arrest proceedeth forth out of the inferiour Courts by precept, and attachment, out of the superiour Courts by precept or writ. Lam. Eiren. lib. 1. ca. 16. Also an arrest lyeth onely upon the body of a man, whereas an attachment is sometimes upon the goods onely, as 29. Kitch. fol. 279. b. saith, that a man may attach a Cow, and in another case, that a man may be attached by an 100. Shyp; And it is

Affoile.

Affoile venust ou del Latine, *Absolvere*, ou le Francois, *Abouldre*, & signifie pur baile ou discharge ascun del excommunication, & issint est use per Stamford, pleas del Coron. lib. 1. cap. 18. fol. 71. B.

Assumpfit.

Assumpfit est un voluntary promise fait p parol, p que home assume ou prist sur luy a pformer ou payer ascun chose al auter. Cest parol contene en yeel ascun verball promise fait sur consideration, que les Civilians expresse p plusors parols accordant al nature del promise; ceo appellant ascun foits, *Pactum*, *Promissionem*, auter foits, *Sponfionem*, *Pollicitationem*, ou *Constitutum*.

Attach.

Attach est un prisure ou apprehending p command ou Briefe. La sont ascuns differences perenter un arrest & un attachment, car un arrest procede hors del inferiour Courts per Precept, & attachment hors del superiour Courts p precept ou Briefe, Lamb. Eiren lib. 1. cap. 16. Auxy un arrest gist solement sur le corps d'un hoe, ou un Attachment est ascun foits sur ses biens solemt, cõe Monsieur Kir. fol. 279. b. dit, que home poit attach un vache, & en auter lieu, que home poit estre attach p 100. barbits: Et il

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il est ascun foits agard sur le corps & biens ensemble al un & mesme le téps.

Attachment differt a un Capias, car Monsieur Kit. fol. 79. b. ad ceux parols, Nota que en Court Baron home serra attach per biens, & ne issira Capias la: Per que il semble que attachment est plus general, extendant al prisure des biens, ou Capias extende al prisure del corps solement.

Auxy un attachment differt a un distresse, & ceo appiert per Kit. fol. 78. a. ou il dit, Proceſſe en Court Baron est Summons, Attachment, & Distresse, que sont Proces al Common Ley.

La est auxy un Attachment de Priviledge, & ceo est en deux manners, ou donât poyer daprehender un home en un lieu privilege, ou p vertue dun Office & privilege, come de appeller un auter a cel court a q il mesme est Attendâr, & en respect de quel il est privilege, Novel liver Dentries, f. 431. a.

Et la est un Proceſſe appel Forreine Attachment, que est use al attacher les Biens del Forreiners troye deins ascun Libertie ou Citie, par un det due al partie mesm. Et p le custom dascuns lieux, hœ poir attache Biens en les maines dun Estrâger: Cœ si A. devoit al B. 10 liyers, & C. devoit al A. un auter summe d'argent, B. poit attacher les biens de A. en les maines de C. a luy satisfier ou

warded upon the body and goods together at one and the same time.

Attachment differeth from Capias, for Kit. fol. 79. b. by these words, Note that in Court Baron a man shall be attached by goods, and a Capias shall not go out thence: which it seemeth, that Attachment is more general, extending to the taking of goods, whereas Capias extends to the taking of the body onely.

Also an Attachment differeth from a Distress, and this appeareth by Kit. fol. 78. a. where it saith, Proceſſe in Court Baron is Summons, Attachment, and Distress, which are Proceſſes at the Common Law.

There is also an Attachment of Priviledge, and this is twofold, either giving power to apprehend a man in a place privileged, or by vertue of an Office or privilege, as to call another to that Court to which he himself belongeth, and in respect of which he is privileged, New book of Entries, fol. 431. a.

And there is a Proceſſe called a forreine Attachment, which is used to attach the goods of forreiners found within any Liberty or City, for a debt due to the party himselfe. And by the customs of some places, a man may attach goods in the hands of a stranger, as if A. oweth to B. ten pounds, and C. oweth to A. another summe of money, B. may attach the goods of A. in the hands of C. to satisfie him-

seife in part of all, as the debt is.

Also there is attachment of the forest, which is a Court there held every fourth dayes throughout the year: In which the Verderors have not any authority but to receive and inroll the Attachment of offenders against Hert and Venison, taken by the other Officers, that they may be presented at the next Justice seat in Eyre, M. Manwood part. 1. pag. 93. cap. 22.

Attainder.

ATtainder is a conviction of any person of a crime or fault whereof he was not convicted before: As if a man have committed felony, Treason, or such like, and thereof is convicted, arraigned, and found guilty, and hath judgement, then he is said to be attainted: and this may be two wayes, the one upon apparance, the other upon default: the attainder upon apparance is by confession, battell, or verdict: the attainder upon default is by process, untill he be outlawed.

Attaint.

ATtaint is a Writ, and lyeth where false Verdict is given by twelve men, and judgement given thereon, that the party against whom they have passed, shall have a writ against the 12. men, and when they be at Justice it shall be tried by 24. Jurors, and if the false Verdict be found, the twelve men be attaint, and then the judgement shall be, That their Medowes shall be eyed,

en part, oué tout, cõe leder est.

Auxy la est Attachement del Forest, q̄ est un Court la tenu chescun 40. iours per tout le an: En q̄ le Verderors nont ascũ authority forsque de recevoir & inroller les attachments del offendours encounter Vert & Venison prise per les autres Officers, que ils poient estre present al procheine Justice seat en Eyre, M. Manwood, part. 1. pag. 93. cap. 22.

Attainder.

ATtainder est un conviction dascun pson dun crime ou fault, dont il ne fuit convict devant: sicome un home fait Felony, Treason, ou tiels semblables, & de ceo est indict, arraigne, & trove guilty, & ad judgement, donques il est dit desle attaint, & ceo poert este deux voyes, l'un sur apparace, le autre sur default: le attainder sur apparance, est p confession, battell, ou verdict: le attainder sur default est per process: tanque il soit uilage.

Attaint.

ATtaint est un briefe, & gist lou faux Verdict est done per douze homes, & judgement done sur ceo, donques le partie vers que ils avoient pas, avera cest Briefe vers les douze homes, & quant ils sent a issue, il serra trie per vint quater Jurors, & si faux verdict soit trove, les douze Jurors sont attaint, & donques le judgement serra, Que lour prees seront

The Exposition of

ferront eyrs, lour meafons
debrufes, lour boies subvertes,
& tous lour terres & tenemts
forfeit al Roy: mes fil passa en-
counter celuy que port cest at-
taine, il serra imprison, & grie-
vousment ranfome al volunt
le Roy. Vide le Statute 23.
Hen.8. cap.3. Attain auxy est
quant judgement est done en
Treason ou Felony.

Attendant.

Attendant est ou un doyt un
duty ou service al auter,
ou come il fuit depend sur
auter: Come si la foyt Seig-
nior, Mesne, & Tenant, le
Tenant tient del Mesne per
un denier, le Mesne tient ou-
ster per deux deniers; le mesne
release al Tenant tout le droit
que il ad en le terre, & le
Tenant morust, sa feme serra
endow del terre, & el serra
attendant al heire del tierce
pt dun denier, & nemy del
tierce pt del deux deniers, car
el serra endow del mieux pos-
session de sa baron. Auxy ou
le Feme est endow p le gardi-
an, el serra attendant al gardi-
an, & al heire a son plein age.

Attorney.

Attorney, est un designe per
auter home, a faire alcun
chose en son lieu: Et Mounsi-
eur West luy insint ad define:
Attorneys sont tiels persons
que per consent, commandemnt,
ou request, caveont, viceront al,
& prendront sur eux le charge
de besoins de auters hōgs en

their houses broken downe, the
woods turned up, and all the
lands and tenements forfeited to
the King: but if it passe against
him that brought that attaine,
he shall be imprisoned, and grievously
ransomed at the Kings
will. See the Statute 23. Hen.
cap. 3. Attaint also is when
judgement is given in Treason
or Felony.

Attendant.

Attendant is where one owes
a duty or service to another,
as it were dependeth upon another.
As if there be Lord, Mesne,
& Tenant, the Tenant holds of
the Mesne by a penny, the Mesne
holdeth over by two pence, the
Mesne releaseth to the Tenant
all the right which he hath in the
land, and the Tenant dyeth, his
wife shal be endowd of the land,
and she shal be attendant to the
heire of the third part of 1. d.
and not of the third part of 2. d.
for she shal be endowd of the best
Possession of her husband. And
where the wife is endowd by
the Guardian, she shal be attendant
to the Guardian, and to the heire
at his full age.

Attorney.

Attorney, is one appointed by
another man to doe something
in his stead. And Mr. West hath
defined him thus: Attorneys be
such persons, as by consent, com-
mandement, or request, take bond,
see to, and take upon them the
charge of the business of other
men in their absence, by whom
they

they are commanded or requested.

And, where it seemes, that in ancient time those of authority in Courts have had it in their disposal, when they would permit men to appeare or sue by any other than themselves, as appereth by F. N. B. 25. in the writ of *Dedimus potestatem de attornato faciendo*, where it is shewed, that men were dighten to procure the writs of *Attornies* Patents of the King, to appoint *Attornies* for them, It is now provided by divers Statutes, that it shall be lawfull so to doe, without any such circuit. And there is great diversitie of writs in the Table of the Register, by which the King commands his Judges to admit of *Attornies*.

By which meanes, at last there were so many unskilfull *Attornies*, and so many mischiefs by them, that an Act was, 4. H. 4. cap. 18. ordained for their restraint, that the Justices should examine them, and put out the unskilfull. And Anno 33. H. 6. cap. 7. That there should be but a certaine number of them in *Northfolke* and *Southfolke*.

In what cases a man at this day may have an *Attorney*, and in what not, see F. N. B. in the place before recited.

Attorney is either generall or speciall: *Attorney* generall is he that is appointed to all our affaires or suits, as the *Attorney* generall of the King, *Attorney* generall of the Duke, *Crompt.* 105.

leur absence, p^{er} queux ils sont command ou request.

Et, ou il semble q^{ue} en ancien temps ceux de authority en Courts ont aver ceo en leur arbitrement, ou ils voillent p^{er}mettre homes de apparear ou suer p^{er} ascū autre que eux mesmes, come appiert per *Fitzherbert Nat. Bre.* 25. en le brieve de *Dedimus potestatem, de attornato faciendo*, ou il est monstre, Que homes fuer' chasc a procurer les Brieves ou Letters Patents del Roy al appointer *Attornies* pur eux: il est ore provide p^{er} divers Stat. q^{ue} il sera loyal issint a faire sans ascū tiel circuit. Et la est grand diversitie de brieves en le table del Register, per que le Roy command ces Judges al admitter de *Attornies*.

Per quel meanes al darreine la fueront cy plusors imperite *Attornies*, & cy plusors mischiefs p^{er} eux, que un Act fuir 4. H. 4. cap. 18. ordeigne pur leur restraint, que les Justices examineront eux, & mitteront hors le imperities. Et An. 33. H. 6. cap. 7. Que la ne seront mes un certaine number de eux en *Northfolke* & *Southfolke*.

En queux cases home a cest jour port aver un *Attorney*, & en queux nemy, vies F. N. B. en le lieu devant recite.

Attorney est ou generall ou speciall: *Attorney* generall est cesty que est designe a tous nostre affaires ou suits, cōe le *Attorney* generall del Roy, *Attorney* generall del Duke, *Crompt.*

Cromp. 105. Atturney special ou particular, est cestuy q̄ est imploy en un ou plusieurs choses particularment specifies. Attur- nies generall sont faits deux voyes, ou p les Letrs Patentes del Roy faits devāt luy ou l'chac, ou p nostre appointement devant Just. en Eyre en overt Court. Vies Glan. l. 1. c. 1. Brit. 126.

Attournement.

Attournement est quāt un est Tenant pur terme de vie, & cestuy en le reversion ou remainder granta son droyt ou estate a un aũ, donques il co- vient q̄ le Tenant p̄ terme de vie agree a ceo, & cest agree- ment est appel Attournement, car si cestuy en le reversion graunt son estate & sō droit a un aũ, si le Tenant p̄ terme de vie ne attourne riens pas p le Grant.

Mes sil soit graunt per finē en Court de Record, il serra compell de attourne. Et vide de ceo apres, titulo *Quid juris clamat*. Vide plus de ceo, Littlet. lib. 3. cap. 10.

Audita querela.

Audita querela, est un Briefe, & gist lou un est oblige en un Estatute Merchant, Estatute Staple, ou recogni- sans, ou lou judgement est done vers luy pur dette, & son corps en execution sur ceo, donques sil ad un Releas, ou aũ sufficient matter deste discharge del Executiō, mes nad jour ē court d̄ ceo pleader, dōques il avera cest briefe vers cestuy q̄ ad re- cover, ou vers ses Executors.

Atturney special or particu- lar is he that is imployed in any more things particularly spec- ified. Attornies generall are made two wayes, either by the King's Letters Patents made betwixt him or the Chancelor, or by our owne appointment, before Jus- tices in Eyre in open Court. See Glanv. lib. 1. cap. 1. Brit. 126.

Attournement.

Attournement is when one Tenant for terme of life, or for years, grants his right or estate to another, then it becometh the Tenant for terme of life to agree thereto, and this agreement is called an Attournement, for if he in the reversion grant his estate and right to another, if the Tenant for terme of life attourne nothing passeth by the grant.

But if it be granted by fine in Court of Record, he shall be compelled to attourne. And look thereof after, Title *Quid juris clamat*. Look more of this Title in Littlet. lib. 3 cap. 10.

Audita querela.

Audita querela is a writ, and lieth where one is bound in a Statute Merchant, Statute Staple, or Recognisance, or where judg- ment is given against him for Debt, and his body in execution thereupon, then if he have a Release, or other matter sufficient to be discharged of execution, but hath no day in Court there to plead it, then he shall have this writ against him which hath recovered, or against his Execu- tors.

Awme.

Awme.

Awme ou Aulne is a vessel that containes forty Gallons of Rhenish wine, and is mentioned in the Statute made 1. Jac.

Averment.

Averment is where a man pleads a plea in abatement of the writ, or barre of the Action, which he saith he is ready to prove as the Court will award. This offer to prove his Plea, is called an Averment.

Average.

Average is that service which the tenant owes his Lord, to be done by the beasts of the tenant; and it seems to be derived from the word (Averia) because it is the service which the tenants beasts performe for the lord by carriage or otherwise: this word also hath another signification, and is much used in the Stat. 32. H. 8. c. 14. for a certain contribution, which Merchants and other pay proportionably towards their losses, that be their goods cast out in a tempest for the saving of the ship of the goods or lives of them that are in the ship.

Averpenny.

Averpenny, that is, to be quit of divers summes of money for the things arrerages

Augmentation.

Augmentation was the name of a Court erected in the 27. year

Awme.

Awme ou Aulne est un vessel que containe quarante Broces de vine Reinish, & est mention en lestatute fait 1. Jac. cap. 33.

Averment.

Averment est lou un homme plead un plea en abatement del briele, ou barri d' action, que il dist est prist de prover come le court voit agard, Cest offer de prover son plea, est appel un Averment.

Average.

Average est le service que le tenant doit a son Sür d'ee fait per les avers le tenant, & semble destre derive del paroll (Averia) pur ceo que est le service que les avers le tenant pforme p le Seignior p cariage ou auterment. Auxy c' paroll ad un auter signification, & est mult use en lestatute 32. H. 8. cap. 14. pur un certeine contribution, que Merchants & auters payont proportionalmēt pur les pdes d'eux q ont lour biens ciefts en-un tempest p le safeguard del neife, ou des biens & vives d'eux que sont en le neife.

Averpenny.

Averpenny, hoc est, quietum esse de diversis denariis pro averagiis Domini Regis.

Augmentation.

Augmentation fuit le nomme d'un Court erect en le vint septe

The Exposition of

sept anne del Roy Henry le huiet. Et le cause de ceo fuit, q le Roy puit estre voyerunt ule touchât les profits de tiels religious meafons & leur Terres, q fueront done a luy p Aet de Parliament, mefine l'an, nient imprimee. Pur le dissolving de quel Court, la fuit un Aet fait en le Parliament, tenu en le primer anne del Reygne del Roigne Mar, Sess. 2. ca. 10. que el puis mis en execution p sa Letters Patents. Le nosme del Court surde de ceo, Que les revenues del Corone fueront tât augment p le suppression des dit Meafons, quaut le Roy reserve al Corone, & nient done ou vend al auts. Mes le Office de Augmentation remaine a cest iour, en que la font plusors Records de grâd use & importance.

Aumone.

Aumone ou Tenure en aumone, est tenure p divine service, car issint Brit. dit. fol. 164. Tenure en Aumone, est terre ou tenement que est done a aumone, dont ascû service est retinue al feoffor ou donoz.

Ancient demefne.

Ancient demefne sôt certain Tenures tenus de ceux Mannours queux fueront en maines de Saint Edward le Confessour, & les queux il fist escrier en un Liure appel Doomes-day, sub titulo Regis, & touts les Terres tenus del dit Mannours, sont Auncient De-

of King Henry the eighth. the cause thereof was, that King might be justly receiving the profits of such religious Houses, and their Lands, were given unto him by Parliament the same year, printed. For the dissolving which Court, there was made in the Parliament, in the 1. year of the Reigne of Mary, Sess. 2. cap. 10. which afterward put in execution her Letters Patents. The of the Court ariseth from that the revenues of the Crown were so much augmented by suppression of the said houses, the King reserved to the Crown and neither gave nor sold to others. But the Office of augmentation remains to this wherein there are many things of great use and importance.

Aumone.

Aumone or Tenure in aumone is tenure by divine service, so says Briton, fo. 164. Tenure in Aumone, is Land or tenement which is given for a living, whereof some service is reserved to the feoffor or donoz.

Ancient demefne.

Ancient Demefne are certain Tenures holden of the Mannours that were in the hands of Saint Edward the Confessor, and the which made to be written in a Book called Doomes-day, sub titulo Regis, and all the Lands holden of the said Mannours, are

ancient demefne, and the tenants
hall not be impleaded out of the
land & manours; and if they be,
they may show the master, and as-
sue the writ, but if they answer
to the writ, and Judgement be
given, then the lands become
frankfee for ever. Also the
tenants in ancient demefne
are free of toll for all things
concerning their sustenance and
husbandry in ancient demefne,
and for such lands they
hall not be put to empan-
nel upon any Enquest. But
all the lands in ancient De-
mesne that are in the Kings
hands be frankfee, and pleada-
ble at the Common Law. See
more after in the title Sokmans.

Avoir de pois.

Avoir de pois, is as much as to
say, true or just weight: And
it signifies in our Law two
things, first a kinde of weight
divers from that is called
Troy weight, which hath but
12. ounces to the pound, where
the Avoir de pois hath 16. And
secondly it signifies such Mer-
chandises, as are weighed by
this weight, and not by Troy
weight. As it is to see in the
Statute of Yorke, 9.E.3. & 27.
Richard. Stat. 1. And the Sta-
tute of Gloster, 2.R.2. cap. 1.

Auncell weight.

Auncell weight was an an-
cient manner of weighing in
England, by the hanging of Bal-
ances or hookes at each end of
a staffe, the which the party
laid up upon his finger, or with

mesne, & les Tenāts ne serront
impleade hors del dit Man-
nours, & s'ils soyent, ils poyent
monstre le Maſt, & abatera le
Briefe: mes s'ils responder al
Briefe, & plead, & judgement
done, donques les Terres sont
devenus Frank-fee a tous
iours. Auxy tous tenāts ē an-
cient Demefne sont franke de
tolle pur tous choses concer-
nōt leur viād & Husbādie en
ancien Demefne, & pur tiels
Terres ils ne serrōt mis ne em-
panel sur aucun Enquest. Mes
tous les Ter' en ancien De-
mesne queux sōt en maines le
Roy, sont frank-fee, & pleada-
ble al Common Ley. Veies
plus apres en le Title Sokmans.

Avoir de pois.

Avoir de pois, est tantadire
come, veri sive justi ponder-
is: Et signifie en nŕe ley deux
choses, primermt un kinde de
pois different de ceo que est
appel Troy weight, que nad
forsque 12. ounces al liver, lou
le Avoir de pois contene 16.
Et secondiment signifie tiel
marchandizes, qux sont poises
p c' weight, & nŕy p Troy
weight. Come est a veier en
le statute de Yorke, 9. E. 3. &
27. E. 3. Stat. 2. cap. 1. Et le sta-
tute de Gloster, 2. R. 2. cap. 1.

Auncell weight.

Auncell weight fuit un anciē
manner de poiser en An-
gleterre, p le pender des ba-
lances ou hookes al chescun
fine dun baston, le quel le par-
ty elevat sur son digit, ou ovē
F 2 1a

The Exposition of

sa maine, & issint discerne le equality & difference des choses q̄ fueront poises. Mes c' weight esteant subject al mult deceit, divers Statutes fueront faits que ceo ouster, come lestatut 25. E.3. cap.9. & 34. E.3. cap.5. & 8. H.6. cap.5. & auters. Et fuit appel Auncell weight, quasi Hand-sale weight.

Avowrie.

AVowrie est lou un prist distresse pur Rent ou auter chose, & l'auter sua Replevin, donques celuy que avoit ceo prisse, justifiera en son Plea, pur quel cause il prist ceo, & si il prist ceo en son droit demesne, il doit ceo monstr', & issint avow a le prisel, & ceo est appel son Avowrie. Mes si ceo prist en ou pur le droit de un auter, donques quant il avoit monstre le cause, il ferra Conufance del prisel, come Baylife ou servant a celuy en que droit il prist ceo.

B.

Badger.

BAdger est tant adire cōe Bagger, d'l Frācois parol, Bagage, id est, Sarcina: Et est use oue nous pur un que est licence de achater Corne ou auters victuals en un lieu, & de eux transporter al auter, & tiel home est exempt en le statute fait Anno 5. & 6. E. 6.

his hand, and so discerned equality or difference of things that were weighed, this weight being subject much deceit, many Statutes were made to ourt it, as the Statutes of 25. E.3. cap.9. & 34. E.3. cap.5. & 8. H.6. cap.5. and other. And it was called Auncell weight, as much as to say Hand-sale weight.

Avowrie:

AVowrie is where one taketh distresse for Rent or other thing, and the other sueth Replevin, then he that hath taken shall justify in his Plea, what cause he took it: and if he took it in his owne right, he ought to shew that, and so after the taking, and that is called Avowry: but if he took it in for the right of another, when he hath shewed the cause he shall make Conufance of the taking, as Baylife or servant to him in whose right he took it.

B

Badger.

BAdger is as much as to say Bagger of the French language, Baggage, id est, sarcina: and is used with us for one that is licensed to buy Corn or other victuals in one place, & carry them another, and such a one is exempted in the Statute made in the 5. and 6. yeare of E. 6. cap. 14.

the punishment of an Ingrosser
within that Statute.

cap. 14. del punishment dun
Ingrosser deins ceo Statute.

Baile.

Baile.

Baile is when a man is taken
or arrested for felony, suspiti-
on of felony, indicted of felony,
in any such case, so that he is re-
strained of his liberty. And being
by Law bailleable, offereth surty
to those which have authority to
bail him, which Sureties are
bound for him to the Kings use
in a certaine summe of money, or
body for body, that he shall ap-
peare before the Justices of
Baile-delivery, at the next Ses-
sions, &c. Then upon the Bonds
of these Sureties, as is aforesaid,
he is bailed, that is to say, set at
liberty, untill the day appointed
for his appearance.

Master Manwood part. 1. of his
Forest Law, p. 167. maketh a great
difference between Baile & Main-
prise, in these wordes. And note,
that there is a great diversity be-
tween Baile and Mainprise,
in that that is Mainprised is
swayes said to be at large, and
to goe at his owne liberty out of
ward, after he is put to Main-
prise untill the day of his appea-
rance, by reason of common
summons, or otherwise. But
it is not so where a man is put
to Baile by force of two men,
or the Lord chiefe Justice in
virtue of the Forest untill a cer-
taine day: for there he is al-
wayes accounted by the Law
to be in their ward and custo-
dy for the time: and they may
if they will, hold him in ward

Baile est quāt un hōe est prise
ou arrest pur Felony, suspi-
tiō de Felony, indistē de Felo-
ny, ou ascū tiel case, issint que
il est restraine de son libertie.
Et esteant p le ley baylable,
offera surety al eux que ont
aūthority de luy bailer, queux
Sureties sont oblige pur luy
al use le Roy, en certaine sum-
dargent, ou corps pur corps,
q il appiera devant les Justices
de Gaole-delivery al prochein
Sessions, &c. Donques sur les
bonds de ceux sureties, (come
est avantdir) il est baile, cest a
dire, mis al liberty ranque le
jour appoint p son apparance.

Mounseieur Manwood en le
primer part de son Forest Ley,
pag. 167. fait un grand diffe-
rence perent Bayle & Main-
prise, en ceux pols: Et nota,
q la est un grand diversitie pe-
renter Baile & Mainprise, car
cesty q est Mainprise, est touts
foits dit destre a large & daler
a son liberty demesine hors de
gard, puis q il est mis al main-
prise jelsq le jour de sō. appea-
rance, p reason de cōmon sum-
mons ou autermt. Mes nest is-
sint ou hōe est mis al baile per
quāt hōes, p le Seignior chiefe
Justice en Eyre del Forest, jel-
que un certaine jour: Car la il
est touts foits account p le ley
destre en lour gard & custodie
pur le temps: & ils poient sīs
voillōt, tener luy en gard ou en

The Exposition of

prison, au e' temps ou auterint
a lour volunt : Issint q' il que
est baile, ne ferrà dit per le ley
destre a large ou a son liber-
ty demesne.

Bailement.

Bailement est un delivery
de choses, soyent ils de es-
cripts, biens, ou stufte al auter,
ascun foits destre redeliver
arrere al baylor, cest adire,
al celuy que issint deliver
ceo, ascun foits al use del bai-
lee, cest adire, de luy a que
il est deliver, & ascun foits
auxy il est deliver a un tierce
person, cest delivery est appel
un Bailement.

Baylife.

Baylife est un Officer que
appertient a un Manor, pur
order le Husbandrie, & ad au-
thority de payer quit Rents
issuant hors del Manor, succi-
der arbres, repair les meafons,
faire pales, haies, distraine
auers damage fesant sur le
terre, & divers tiels semblables.
Cest Officer est celuy que les
ancient Saxons ont appel un
Reeve, car le nosme Baylife ne
fuit d'ouques conus e'e'eux, mes
vi'e'eins ove les Normas, &
est appel en Latine *Villicus*.

Et la sons deux auters sorts
de Baylifes, cest adire, Bay-
lifes errant & Baylifes de Franchises: Baylifes Errant sont ils
q' le Vicont fait & designe da-
ler environ le County a exe-
cuer Briefes, a summoner le
County, Sessions, Assises, &

or in prison, All that thing
otherwise at their will: so
he that is bayled shall not
be said by the Law to be at large
at his owne liberty.

Bailement.

Bailement is a delivery
of things, whether it be of
things, goods, or stufte to
ther, sometimes to be deli-
vered back to the baylor, that is to
to him that so delivered it, so-
times to the use of the
that is to say, of him so
is delivered, and sometimes
it is delivered to a third
this delivery is called a
ment.

Baylife.

Baylife is an Officer that
belongeth to a Manor, to
the Husbandrie, and hath
thorow to pay quit Rents
issuing out of the Manor, sell
repair houses, make pales,
ges, distrain beasts doing
upon the ground, and divers
like. This Officer is he
the ancient Saxons called
Reeve, for the name Bay-
was not then knowne among
them, but came in with
Normans, and is called in
the *Villicus*.

And there are two other
of Baylifes, that is to say, Bay-
lifes, Errant, and Baylifes
franchises. Baylifes Errant
those that the Sheriffe maketh
and appointeth to go about
County to execute writs, to
mon the county, Sessions, &

suchlike Baylites of Franchises, are those that are appointed by every Lord within his liberty to doe such Offices within his Precincts, as the Baylife errant both abroad in the County. This Baylife distraineth for amerciaments in Courts held within the Honour of which he is Baylife. But if such Court be by prescription to be held within one moneth after a feast, and the Steward holds it after one moneth, and in this Court taketh a fine or amerciamment, and the Baylife distraines for it, the party that is so distrained, may have an action of Trespass against the Baylife.

Backberind theefe.

Backberind theefe is a theefe that is taken with the manner, that is to say, having that found upon him (being folloved with the hue and cry) which he hath stolen, whether it be money, linen, woollen, or other stuffe: but it is most properly said, when he is taken carrying those things that he hath stolen, in a bundell or fardell upon his back.

Master Manwood in the second part of his Forest Law, noteth this for one of the circumstances or cases, in which a Forester may arrest the body of any offender against that of Wanslen in the forest; which are Dog-draw, Stable-stand, Backberind, and Bloudy-hand.

Bankrupt.

Bankrupt, by the Statute 1. Jac. Regis. c. 15. is thus described;

tiels semblables. Baylites de Franchises sont tiels que sont designe per chescun Seignior deins son liberty a faire tiels Offices deins son Precincts, & le Baylife errant fait a large in le County. Cest Baylife distrain pur amerciamment assesse en les Courts tenus deins le Mannor de que il est Baylife. Mes si tiel Court est per prescription destre tenus deins un mois apres un feast, & le seneschall tient ceo apres le mois, & en ceo Court assesse un fine ou amerciamt, & l'baillife distrein pur ceo, le pry q est issint distrein puit aver un action d'trespasse vers le Baillife.

Backberind theefe.

Backberind theefe est un laron q est prise oue le man, cest adire, aiant ceo troue sur luy (estant pursue oue le hue & cry) le quel il ad emblee, soit il money, linnen, woollen, ou auter stuffe: mes il est pluis prompt dir, quant il est prise portant tielx choses. que il ad emblee en un bundel ou fardel sur son dorse.

Mounseur Manwood en le second part de son Forest Ley, ceo note per un des quas circumstances ou cases, en que un Forester poit arrest le corps de ascil offender encount Vert ou Venison en l' Forrest, queux sont Dog-draw, Stable-stand, Backberind, & Bloudy-hand.

Bankrupt.

Bankrupt, p le Statute 1. Jac. Regis. c. 15. est issint describe;

The Exposition of

muts & chescū tiel pson & p-
 sons, usāt, ou q̄ useroit le trade
 de merchandise, p voye dex-
 change, bartrie, chevifancee,
 ou autrement en grosse, ou per-
 queront son, sa, ou lour trade
 de viuer, p emptiō ou venditiō,
 & esteāt un subject nee de cest
 Realm, ou ascū des dominions
 del Roy, ou denizen, q̄ al as-
 cū tēps citra le primer jour de
 cest p̄sēt plām̄, ou al ascū tēps
 en apres, departtera le Roialm
 ou cōmence a retraīner son ou
 sa meafō, ou meafōs, ou auter-
 m̄t de absēter luy ou sa mes-
 me, ou prendra sanctuarie, ou
 suffer luy ou sa mesme volun-
 tarim̄ destre arrest p̄ ascū debt
 ou auter chose nient creslant
 ou due pur argēt deliver, wares
 vend, ou ascū aut̄ just ou loyāl
 cause ou bon̄ considerac̄ ou
 purposes, ou ad ou voyle suffer
 luy ou sa m̄ destre utlage, ou
 dō luy ou sa m̄ al prisō, ou vo-
 lūtariim̄ ou fraudulēt̄m̄, ad ou
 p̄curera luy ou sa m̄ destre ar-
 rest, ou ses, ou sa biens, argēt,
 ou chattels, destre attach ou
 sequestre, ou departtera de lō,
 ou sa meafon inhabit, ou faiera,
 ou causera destre fait ascun
 fraudulent grant ou cōveyāce
 de lō, sa, ou lour tēfs tenēm̄s,
 biens, ou chattels, al entent
 ou p̄ q̄ lō, sa, ou lour creditors
 esteant subjects nee, cōe avant
 dit, serra ou poit estre defeat
 ou delay pur le recovery de
 lour just & voyer det: ou este-
 ant arrest p̄ det, aps son, ou sa
 arrest, gisera in prison s̄z
 moys ou plus sur cē arrest, ou

all and every such person
 persons, using, or that should
 the trade of merchandise, by
 of bargaining, exchange, bar-
 tery, chevifance, or otherwise
 grosse, or by taking his, her,
 their trade of living, by buying
 and selling, and being a law-
 borne of this Realme or any
 Kings dominions, or being
 which at any time thence
 first day of this present Parlia-
 ment, or at any time hereafter
 shall depart the Realme, or be-
 gin to keep his or her house
 houses, or otherwise to abate
 him or her selfe, or take sanctu-
 ary, or suffer him or her selfe
 willingly to be arrested for any
 debt, or other thing not growing
 or due for money lent, or
 sold, or any other just or lawful
 cause, or good considerations
 purposes, or hath or will take
 him or her selfe to be outlawed,
 peeld him or herselfe to prison,
 or willingly or fraudulently
 or shall procure him or her selfe
 to be arrested, or his or her
 goods, money or chattels to be
 attached or sequestred, or depart
 from his or her dwelling house,
 or make or cause to be made any
 fraudulent grant or conveyance
 his, her, or their lands, ten-
 ements, goods, or chattels, to
 the intent, or whereby his, her,
 or their creditors being subjects
 borne, as aforesaid, shall
 may be defeated or delayed in
 the recovery of their just and true
 debt: or being arrested for debt,
 shall after his or her arrest, be
 prison six months or more

that arrest or detention in prison
the best, and shall lie in prison
for months upon such arrest or
detention, shall be accounted and
adjudged a Bankrupt to all in-
tents and purposes.

Banneret.

Banneret is a knight made in
the field, with the ceremony
of cutting off the point of his li-
berd, and making it as it were
a Banner. And such are allowed
to display their armes in a Ban-
ner in the Kings army, as Ba-
rons doe: And that such are
next unto Barons in dignitie,
appeares by the Statute made
in the 5. yeare of R. 2. stat. 2. cap.
4. by which Statute it seemes
that such Bannerets were anti-
ently called by Summons to the
Court of Parliament.

Bans.

Bans is a word common and
ordinary amongst the Feu-
dists, and signifies a proclama-
tion, or any publike notice that is
given of any thing. Bracton lib.
3. tract. 2. cap. 21. makes mention
of Bannus Regis for a proclama-
tion, or silence made by the Cryer
before the meeting of the Cham-
pions in a Combat. But we
use this word Bans especially
for the publication of Matrimo-
niall contracts in the Church
before Marriage: and the Eng-
lish word Banning, seems to
come from hence, which is an
exclamation of another.

ascu auf arrest ou detence en
prison p' det, & gisera en prison
siz moys sur tiel arrest ou de-
tention, sera accompt & ad-
judge un Bankrupt a chescun
intents & purposes.

Banneret.

Banneret est un chivaler fait
en le camp oue le ceremo-
ny del amputer le point de son
standard, & feasant ceo si cõe
un Banner. Et tiels s'ot allowes
pur display leur Armes en un
Banner en le army le Roy
come Barons font. Et que tiels
sont procheins as Barons en
dignitie appiert p le Statute
fait en le 5. an. de R. 2. Stat. 2.
cap. 4. p quel Statute semble
que tiels Bannerets fueront
antientment appels per sum-
mons al Parliament.

Bannum.

Bannus sive Bannum, est un
pol frequet & ordinary enf
les Feudists, & signifie un p-
clamatiõ, ou ascu publique no-
tice done d'ascun chose. Bract.
lib. 3. tract. 2. cap. 21. fait men-
tion de Bannus regis p un p-
clamatiõ, ou silence fait p le crier
devant le congresse des Cham-
piõs en un combat. Mes nous
usomus cest paroll Bans prin-
cipalment pur le publication
des contracts Matrimoniall en
lesglise devant marriage, & le
parol Anglois (Banning) sem-
ble de venir de ceo que est
un exclamation dun autre.

Bargaine

The Exposition of

Bargaine & Sale.

Bargaine & Sale, est quant un recompence est donee par ambideux les parties al bargaine: come si un bargaine se vend son terre al autre pur argent, icy le terre est un recompence a luy pur le argent, & le argent est un recompence al autre pur le terre, & ceo est un bon contract & bargaine. Et par quel bargaine & sale, terres poient passa sans livery de seisin, si le bargaine & sale soit par fait indens, seale & intolle, ou en le Countie ou le terre gift, ou en un des Courts del Roy de Record al Westminster, deins six moies prochain apres le date de mesme le escript indens, &c. accordant al Statute en ceo case fait en le 17. anno de H. 8. cap. 16.

Barre.

Barre, est quant le defendeur en aucun Action plede un plece que est un sufficient response, & ceo aduulle action del plaignite a tous jours.

Et ceo poit estre dividee en barre al common intendment, & barre speciall. Barre al common intendment, est ou ordinary ou generall barre, qui communement disable le count ou plece del plaignite: Barre speciall est ceo, que est plus que ordinary, & happa en le case en question sur aucun speciall circumstance del fait: Come un Executor esteant sue par le det de son Testator, plede, Que il ad riens en sos

Barre

Bargaine and Sale.

Bargaine and Sale, is when a recompence is given by both the parties to the bargain: as one bargain a sell his land to another for money here the land is a recompence to him for the money, and the money is a recompence to the other for the land, this is a good contract and bargain. And by such a bargain and sale lands may passe without livery of seisin, if the bargain and sale be by deed indented, sealed, and intolled, either in the county where the land lieth, or in one of the Kings Courts of Record at Westminster within six moneths next after the date of the same writing indented, according to the Statute in that behalf made in the 17. year of H. 8. cap. 16.

Barre.

Barre, is when the defendant in any action pleadeth a plea which is a sufficient answer, and that destroyeth the action of the plaintiff for ever.

And it may be divided into barre to common intendment, and barre speciall. Barre to common intendment is an ordinary or generall barre, which commonly disableth the declaration or plea of the plaintiff: Barre speciall, is that which is more than ordinary, and falleth out in the case in question, upon some speciall circumstance of the fact: As an Executor being sued for the debt of his Testator, pleadeth, that he hath nothing in his hands

hands at the day of the writ purchased, that is a good barre to common intendment, as at first sight, but yet the case may be such, that more Goods may come to his hands after that time, which if the Plaintiff can shewe by way of Replication, then except the Defendant hath a more special Plea as Barre to allgeds, he is to be condemned in the Action. See Plow. fol. 26. 28. And in the same sense Barre is also divided into Barre materiall as speciall, and Barre as large, Kir. fol. 68.

Barre is also in regard of the effect divided into Barre perpetual and Barre temporary; Perpetuall is that which overthrowes the action for ever; Temporary is that which is good for the present, and may afterwards faille, as, fully administered is a good barre, untill it may appeare after, that more Goods came afterward to the hands of the Executors: which also holdeth for the heire, that in an action of his ancestors debt, pleadeth nothing by descent. See Brook. tit. Barre, num. 23.

Barre fee.

Barre fee is a fee of twenty pence, which every prisoner acquitted of Felony payes to the Gaoler: and see of that 21. H. 7. 16. b.

Barter.

Barter seemes to come of the French word Barater, which signifies to circumvent, and this

maines al jour quant le Briefe fuit purchase, ceo est un bone bar al Comon intendment, ou *prima facie*, mes uncore le cas poit estre tuel, q plusors biens poient ven a ses maines puis cel temps, que si le plaintife poet monstre p voy de replication, donque sinon q le Defendant ad un plus special plea ou bar d allgeder, il est destre condempne en le Action. Veies Plow. fol. 26. 28. Et en mesme le sens bar est auxy divide e bar materiall ou speciall, & bar as large, Kir. fo. 68.

Barre est auxy en regard del effect divide en barre perpetual, & barre temporary; perpetual est ceo que quash l'action a tous jours; temporary est ceo que est bone pug le present, & puit apres faille, come, *plene administravit* est bone barre jelsque puit apperayr que plusors biens yent puis al maines des Executors: que auxy tient pur le heire, que en un acc^e de son ancestors det., plede. riens per descent. Veies Brook. tit. Barre, nu. 23.

Barre fee.

Barre fee, est un fee de vint deniers q chescun prisoner q est acquire de felony paiera al viscount ou Gaoler: & de ceo v. 21. H. 7. 16. b.

Barter.

Barter semble de venir del Francois parol Barater, circumvenire, & cest parolle est use

The Exposition of

use due nous pur le eschange
des wares pur wares, & est me-
tion en lestatutes 1.R.3.cap.9.
& 13. Eliz. cap.7.

word is used with us for ex-
change of wares for wares, and
it is mentioned in the Statutes
of 1.R.3. cap 9. & 13. Eliz. cap 7.

Barretor.

BArretor est un common mo-
ver & excitor, ou maintai-
ner de suits, quarels, ou parts,
ou en Courts, ou en pays : En
courts de Record, & en le cou-
tie, hundred, & auters inferior
Courts : En pays en trois ma-
ners; primerment, en disturbance
del peace; secondment, en prisel
ou deteiner des possessions des
meafons, Terf, ou bieas, &c. q
font en questiō ou controverfie,
non solement p force, mes auxy
p subtiltie & deceit, & plus
tost en suppression de verity &
droit; Tiercement, p faux in-
vention & sowing de calūniati-
on, rumors, & reports, pont dis-
cord & disquiet surd int ses
Vicines. Veies plus de ceo,
Cok. lib.8. fol.36.37.

BArretor is a common mover
and stirrer up, of maintenance
of Suits, quarrels, or parts, ei-
ther in Courts or in Country.
In Courts of Record, and in
the Countie, Hundred, and other
inferiour Courts: In Country,
in these manners; first, in distur-
bance of the Peace; secondly, in
taking or detaining of the posses-
sions of Houses, Lands, or goods,
&c. that are in question or contro-
versie, not onely by force, but also
by subtiltie and deceit, and usually
in suppression of truth &
right; thirdly, by false inven-
ting and sowing of calumnies,
rumors, and reports, making dis-
cord and disquiet to rise between
his neighbors. See more of this
Co. lib.8. fol.36.37.

Base Fee.

TEner en Fee Base, est a tener
a volunt le Seignior. Et un
base fee est auxy lou afeun ad
estate en terf p cy long temps
come auter aia heires de son
corps, de quel estate v. Plo. en
Walsinghams Case, fol.557. a.

TO hold in Fee Base, is to hold
at the Will of the Lord. In
a base fee is also where any hath
an estate in Land, so long as an-
other shall have heires of his bo-
dy, of which estate see Plo. in
Walsinghams Case, fol.557. a.

Bastard.

BAstard est celuy que est nec
de afeun Feine nient
espouse, issint que son pere
n'est connus per le order del
Ley, & p ceo il est dit Filius
populi.

BAstard is he that is borne of
any woman not married, so
that his father is not known by
the order of the Law, and there-
fore he is called the Child of the
people.

But by the Law of the Romish Church, if one get a Child upon a woman, which Child is borne out of Wedlock, and after he marry the same woman, then such child shall be said Mulier, & not bastard.

But by the Law of England he is a bastard, and for that cause when such speciall bastardy is alleged, it shall be tried by the Country, and not by the Bishop. But generally Bastardy alleged shall be tried by the Certificate of the Bishop.

And if a woman be great with child by her husband, who dieth, and she taketh another husband, and after the child is borne, this child shall be said the child of the first husband. But if she were parturient with child at the time of the death of her first husband, then it shall be said the child of the second husband. But enquire further, and see the opinion of Thorp, 21. E. 3. 39.

Also if a man take a wife, which is great with child by another which was not her husband, and after the child is borne within the espousels, then it shall be said the child of the husband, though it were borne but one day after the espousels solemnized.

Baston.

Baston is a French word, and signifies a staffe, but in our Statutes it is taken for one of the Wardens of the Fleet men, that attends the Kings Courts with a painted staffe, for the taking of such to ward as are con-

Mes per la ley del Romish Eglise, si un ingendre un enfant sur aucun Feme, quel enfant est nee hors d'l espousels, & puis il spouse mesme la Feme, donques tiel Enfant serra dit Mulier, & nemy bastard.

Mes per la ley d'Engleterre il est Bastard, & pur cest cause quant tiel especiall Bastardie est allegee, il serra trie par le pais, & nemy per l'euesque. Mes generalment Bastardie allegee serra trie par le Certificate del' Euesque.

Et si un Feme soit grosse de Enfant per son Baron, que morust, & el prist auter Baron, & apres le enfant est nee, cest Enfant serra dit le Enfant le primer Baron. Mes si el fuit privement enseint al temps del mort sa primer baron, donques il serra dit le Enfant de second Baron. Sed quere & veies le opinion de Thorp, 21. E. 3. 39.

Auxy si un home prent feme q soit grossiement enseint p aucun auter que ne fuit sa baron, & apres l'enfant est nee deins les espousels, donques il serra dit l'enfant le baron, mesque il fuit nee forsque un jour apres les espousels solempnise.

Baston.

Baston est un parolle Fracois, & significat baculum, mes en nre statutes est prise pur un des servants del Garden le Fleet q attend les Courts le Roy oue un colored baston pur le preder d'eux al gard q sont commisee
p le

par le Court, & par le attendre sur eux & esteats psoners for pmisses d'aler large per licence. Et assine est use en lestatutes 1. R. 2. cap. 12. & 5. Eliz. cap. 23.

Bataille.

BAtaille est un ancien triall En nostre Ley, & le defendant & un appeale de Murder, Robbery, ou Felony, poit essier, cest assavoir, a combater ouie l'appellant, par prooste si soit culpable des Felony ou non; quel combatte sil succede cybien del part le Defendant, que il vanquish l'appellat, il alera quit, & luy barrera de son Appeale a tous jours. Mes si un soit indict de Felony, & un appeale est port sur mesme le Indictment, la le Defendant ne gagera le Bataille. Bataille au ky poet estre en un Briefs de Droyt, come est en Paramours case, Dyer 301. plac. 41. 42. ou les champions fuez essies, & la battell agard, & les champions fueront per Mainprise & jures de performer le batel al Tohil en Westminster per default d'appearance en le Dait, rien fust fait en ceo.

Batterie.

BAtterie, est un act que tende al breache del peace & quiet government del Royalme; si come quant un home assaule & batter un autre, ceo est encontre le Ley & peace del Royalme, le quel ordeigne; Que nul home serrā son Judge de-

mitted by the Court, and for attending upon such psoners for goe at large by licence. This is used in the Statutes 1. R. 2. cap. 12. & 5. Eliz. cap. 23.

Bataille.

BAtaille is an ancient trial our Law, which the Defendant in appeale of murder, robbery, or felony, may chuse, that is to say, to fight with the Appellant, for proove whether he is culpable of the felony or not; which combats if it fall out well on the part of the defendant, that he doth vanquish the Appellant, he shall goe quit, and have him for his appeale for ever. But if one be indicted of felony, and an appeale is brought upon the same Indictment, there the defendant shall not wage battail. Battaille also may be in a Writ of Right, as in Paramours Case, Dyer 301. plac. 41. 42. where the champions were chosen, and the battell awarded, and the champions were by sureties and oath to performe the battell at Tothill in westminster, but by default of appearance in the battell, nothing was done therein.

Batterie.

BAtterie is an act that tendeth to the breach of the peace and quiet government of the Realm, as when a man assaulteth and beateh another, this is against the law and peace of the Realm, which ordaineth that no man shall be his owne judge, or bring

anger of his own estate among, but shall leave this to the wisdom of the law, which is always ready to hear and compass the rightfull and just complaints of every man: wherefore he that is so benten may either strike the other party, who upon it shall be fined to the King, or have his action of Trespasse of assault and battery against him, (for every battery implyeth an assault) and recover so much in costs and damages, as the Jury will give to him by their verdict, and the defendant shall upon the indictment be fined to the King, and the Action of Trespasse shall lie as well before as after the Indictment. But if the plaintiffe in such action, maketh the first assault, then the defendant shall forfeit, and the Plaintiffe shall be admitted to the King for his fault suit. And it is to be observed, that the verdict of the conviction of the party by indictment, may serve for evidence in the action of Trespasse brought upon the same assault and battery.

But notwithstanding that the party shall have a two-fold punishment for such offence, that is to say, shall be punished to the King and to the party; yet some there are who in respect of their naturall, and others who in respect of their civill power & authority over others, in a reasonable and moderate manner may chastise, correct, and beat them; as the Parent their child, the Master his servant or apprentice; the Gaoler or his servant,

mesme, or revenger de son privat tort, mesme lay serra al censure del Ley, que est tous fois prill de oyer & redresser les droyturall & voire quarrels de chescun home: Pur que testuy que est illic assaut poit ou endirer l'auter partie, que sur ce serra fine al Roy, ou avec son Action de Trespasse de Assault & Battery vers luy (car chescun Battery implie un Assault) & recóver tant en costs & damages, que le Jury voile doner a luy per lou verdict, & le Defendant sur cest inditement serra fine al Roy, & le Action de Trespasse voyle giser tylien devant come apres L'enditement. Mes si le Plaintiffe en ciel Action fist le primer Assault, donques le Defendant alera quire, & le Plaintiffe serra amercé al Roy par son fault suit. Et est destre observe, Que le record del conviction del partie per inditement, poit serve p evidence en le action de Trespasse port sur mesme le Assault & Battery.

Mes nient obstant que le partie avera un double punishment pur ciel offence, cest adire, serra punish al Roy & al party, uneore aucuns y sont, que en respect de leur natural, & ausi que en respect de leur civile power & authorite ouster auter, en un reasonable & moderate maner poient eux chastiser, corrécter, & bater; cõe le Parent leur puer, le Master son Servant ou Apprentice; le Gaoler ou son Servant, les

surbulenz

The Exposition of

turbulent prisoners; le officer, c'esty que est arrest, & ne voyle autrui obeyer. Auxy hōe poit justifie le batture dun auter, en defence de son pson demesne, ou del pson de son Feme, pier, miere, ou Maister. Et home poit justifie le batture dū aut, en defence de ses biens, & en maintenance de Justice. Mes est desre note, Que en ceux cases si home ne soit urge & contraine per un necessary cause, il ne poit justifie le battering dun auter.

Bedell.

BEdell est derive del Francois paroll Beadeau, q signifie le messenger dun Court ou un q cite homes a ceo s'appare & responder. Et Manwood en le treatise des leyes del Forest cap. 23. fol. 221. a. dit que un Bedell del Forest est un officer que ala pteint le Forest semble al speciall Bayly le viscount.

Besaile.

Besaile est un breve que gist pur le heire, lou son besaile fuit seizi jour que il morust, ou morust seise de terre en seefimple, & un estranger enter jour del mort le besaile, ou abate apres son mort, le heire avera cest brieve vers tiel disseisor ou abator, & v. de ceo Fitz. N. B. 221. D.

Bewpleader.

Bewpleader est un Brieve sur lestatute de Marlebridge, &

the many Prisoners; the officer, him that is arrested, will not otherwise obey. A man may justifie the beating of another in defence of his person, or of the person of his wife, father, mother, or master. And a man may justifie the beating of another in defence of his goods, and in maintenance of Justice: But it is to be noted that in these cases if a man be urged, and constrained by a necessary cause, he cannot justify the beating of another.

Bedell.

BEdell is derived from the French word Beadeau, which signifies a messenger of an apparitor of Court, that cites men to the Court to appear and answer. And Manwood in his treatise of the Forest laws, cap. 23. fol. 221. a. says that a Bedell of a Forest is an Officer that goes throughout all the Forest like a Sheriffs speciall Bayle.

Besaile.

Besaile is a writ that lies for the heir, where his great grandfather was seised the day that he died, or died seised of land in fee simple, & a stranger enters the day of the death of the great grandfather, or abates after his death, the heir shall have this writ against such a disseisor or abator: and see of this Fitzh. N. B. 221. D.

Bewpleader.

Bewpleader is a writ upon the Statute of Marl. and liti

where the Sherife or other Bailife in his Court will take a fine of the party Plaintiffe, or Defensour, to the end that hee shall not plead faultely, &c. And the writt shall bee directed to the Sherife himselfe, or to the Bayliffe, or him that will demand this fine, and it is as a prohibition to him, commanding him that hee shall not demand such a fine, and may be sued by all the Hundred, or by all the County (as it seemeth) where he will demand such manner of fine of them, Fitz. N. B. 270. a.

Bigamie.

Bigamie was a counterplea devised at the Councell of Lyons, upon mislike of second marriage) to be objected when the prisoner demandeth the benefit of the Clergie, to wit, his Woke; namely to say, That he which demandeth the priviledge of the Clergie, was married to such a woman at such a place, within such a Diocesse, and that she is dead, and that hee hath married another woman within the same Diocesse, or within some other Diocesse, and so is Bigamie. Or if he have been but once married, then to say that she whom he hath married, is or was a widow: that is to say, the left woman of such a one, &c. which thing shall be tryed by the Bishop of the Diocesse where the marriages are alledged. And being so certified by the Bishop, the prisoner shall lose the benefit of the Clergie. But at this day by

gift ou le Viscont ou auter Bailife en son Court voile preder un fine del partie Plainiffe, ou Defendant, pur ceo que il ne pleadera beleiment, &c. Et le briefte serra direct al Viscount mesme, ou al Bailife, ou cesty que voile demaund cest fine, & est come un Prohibition a luy, commandant luy, que il ne demandera tiel fine, & puit estre sue per tout le Hundred, ou per tout le Countie, come semble, lou il voile demaund tiel maner fine de eux, Fitz. N.B. 270. a.

Bigamie.

Bigamie fuit un counterplea (devisé al Councell de Lyons, sur mislike de second mariage) este objecté quaut le prisoner demaunde le benefite del Clergie, cestascavoir, son Lieure, come nosmement a dire, que il que demaunde le priviledge del Clergie, fuit marie a tiel Feme en tiel lieu deins tiel Diocesse, & que el est mort, & que il ad apres marrie un auter Feme deins mesme le Diocesse, ou deins ascun auter Diocesse, & issint Bigamus. Ou sil nad esto forsque un temps marrie, donques adire, Que el que il espousé, est, ou fuit un viefse, cest adire, le relié duntiel, &c. Le quel chose serra trie per Leuesque de le Diocesse ou le espousels sont alledge. Et esteant issint certifie per Leuesque, le prisoner perdera le benefite del Clergie. Mes al cest jour, per force de le

The Exposition of

Aste fayt en Anno primo Ed. 6. cap. 12. cest nul plea, mes que il poit aver son Clergie ceo nient obstant.

Illiut est Brook, Titulo Clergie, Placito 20. al mesme purpose. Et sur ceo si vous estes desirous de voyer queux raisons ils ont que persuade enuers second espousels, lege enter divers auters, Francis Petrache, de remediis utriusq; Fortunæ, le prim liure, & lxxvj. Dialogue, entitaled, De secundis nuptiis, quel lieure ore tarde Mounseur Th. Twine, ad bié & oue bone grace, (come ils q poyent judg' diont) translate hors de Laryne en Angloys, & mult aptmt appel c', Phisick encouné fortune,

Bilawes.

Bilawes sont orders faits en Court Leets ou Court Barons, per le common consent p le bien d'eux q sont les Feofors d'eux: Et son appells Bilawes, quasi Birlawes, ou Bawrlawes, de paroll Germanois Bawr, id est, Rusticus, illiut q Bawrlawes ou Bilawes, est tant adire come leges Rusticorum.

Billa vera.

Billa vera, est lendorsement del grand Inquest, sur ascū presentmt ou Indictment q ils trovont este probablemt voyer.

Bilinguis.

Bilinguis en generall est un hōe oue un double langue, uncore il est cōmunemt use pur

fores of the 3d made Anno Edward 6. cap. 12. this is a plea, but that he may have his Clergie that notwithstanding

Do is Brook, Titulo Clergie Placito 20. to the same purpose. And hereupon if you be desirous to see what reason they have to persuade against second marriages, read among many others Francis Petrache, of remedies both fortunes, the first Book and lxxvj. Dialogue, intituled of second marriage: which is now of late M. Thomas Twine hath very well, and with good grace, (as they that can not do so) translated out of Latin into English, and most commonly called it, Physick against Fortune.

Bilawes.

Bilawes are orders made in Court Leets or Court Barons, by a common consent for the good of them that are the feoffors of them: And they are called Bilawes, quasi Birlawes or Bawrlawes, of the Dutch word Bawr that is to say, a Countryman, and so Bawrlawes or Bilawes as much to say, as the laws of Country-men.

Billa vera.

Billa vera, is the indorsement of the grand inquest upon presentment or indictment, when they finde to be probably true.

Bilinguis.

Bilinguis in generall is a man with a double tongue, it is commonly used for the

whiche passeth betwene an Eng-
lishman and an Alien, wherof
part ought to be Englishman, &
part strangers. And for this
cause it is enacted by the statute
of 28. Edward 3. cap. 13. That if
any variance chance to be about
the putting of wools before the
Jury of the Staple, betwene
the Merchantes or Ministers of
the same, and thereupon to try
the truth thereof, Enquest shall
be taken, and if the one party
shall be tried by Denizens, it
shall be tried by Denizens, as if
the one party be Denizen, and
the other Alien, the halfe of the
enquest or of the proofs shall be
of Denizens, and the other halfe
of Aliens.

Blackmaile.

Blackmaile, is a word used in
the Statute of 43. Eliz. cap. 13.
and it signifies a certaintie of mo-
ney, for cattell, or other con-
sideration given by the poore people
in the North parts of England,
unto men of great name and au-
thority in those parts, to be by them
received from such as usually
robbe and kille there.

Bloodwit.

Bloodwit, that is, to be quit
of amerciaments for blood-
shedding, and what Pleas are
taken in your Court, you shall
take the amerciaments thereof
according, because (wit) in
English, is Misericordia in La-
tine.

Rockland.

Rockland, in the Saxons time
was that that we at this day

cest Jurie que passent parenter
un hōe D'angleterre, & un A-
lien, de que pt covient est hō-
mes D'angleterre, & part E-
strangers. Et pur ceo est enac-
t per l'estatute de 28. Edward 3.
cap. 13. Que si ascun debate
happa destre sur le packing de
Lane, devant le Maior del Sta-
ple, enter les Merchants ou
Ministers del mesme, & sur c'
de prover la veritie de ceo
Enquest ferra prise, & si lun
partie & l'autre soynt Denizen,
il ferra tte per Denizens, ou
si lun partie soynt Denizen, &
l'autre Alien, de moitie de l'en-
quest ou del prooffe ferra De-
nizens, & l'autre moitie D'
Aliens.

Blackmaile.

Blackmaile est un paroll usō
en lestatute de 43. Eliz. cap.
13. & signify un certein rate des
deniers, blees, cattell, ou au-
cōsideratiō done per les povers
homes, en les North parts de
Angleterre, as homes de grand
nomme & alyance, c' ceux parts,
destre p eux protects del eux q'
usualment robbe & embler la.

Bloodwit.

Bloodwit, hoc est, quietum
esse de amerciamētis de san-
guin' fuso, & que teneantur
placita in Curia vestra, habe-
bitis amerciamenta inde pro-
venientia, quia (wit) en An-
glois, est Misericordia en La-
tine.

Rockland.

Rockland, en temps del Sax-
ons fuit ceo terre, q' nous a
cest

The Exposition of

cest jour appellomus frāktene-
ment, ou terre tenus per char-
ter, & fuit p ceo noſm distin-
guish del *Folkland*, q̄ fuit terre
tenus per copy.

call *frehold Land*, or *Land* by
by charter, and it was by
name distinguished from *Folk*
land, which was *Coppy*
Land.

Borow.

Borow, q̄ ovesq; nous signify
un anciēt ville cōe appiert p
M. Littleton sect. 164. est un
paroll derive ou del Francois
paroll, *Burg*, id est, *Pagus*, ou del
Saxon parol *Borhoe*, id est, *Pig-
nus*, pur ceo q̄ en ancient temps
vicines dun ville deveignont
pledges lun pur lauf, & de ceo
venust *Headborow*, pur le chief
pledge ou *Borhoe-Aldere*, que
nous appellomus le *Borowholder*
ou le *Burshoulder*.

Borrowhead.v. Headborow.

Borow.

Borow, which with us signify
an anciēt *Towne*, as apper-
by *Maſter Littleton*, sect. 164.
a word derived either of a
French word *Burg*, id est, *Pag*,
or of the *Saxon* word *Bor*,
id est, *Pignus*; for that ancient
neighbours of a *Towne* be-
pledges one for another, and
thence comes *Headborow*,
the chief pledge or *Borhoe-
dere*, with us now called
Borowholder or *Bursholder*.

Borrowhead: see *Headborow*.

Boot.

Boot est un viel parol, & il
signifie, *Help*, *Succor*, *Ayde*,
ou *Advantage*, & est commun-
ment joyne oue un autre parol,
que signification il augment,
come ceux, *Bridgeboot*, *Burg-
boot*, *Fireboot*, *Hedgeboot*,
Plowboot, & divers tiels sem-
blable, per queux signifiatiōs
veies en leur proper *Titles*,

Boot.

Boot is an old word, and
signifieth *helpe*, *succour*, *ay-
advantage*, and is common-
ly joyned with another word, the
signification is doth augment
those, *Bridgeboot*, *Burg-
boot*, *Fireboot*, *Hedgeboot*, *Plow-
boot*, and divers others such like,
whose significations look in
proper titles.

Broodhalpeny.

Broodhalpeny, en ascun *Cop-
ies* *Broodhalfe peny*, hoc est,
quietū esse de quadam consue-
tudinē exacta pro *Tabulis* levie
ou *Boords* en *Faires* ou *Mar-
kets*, & ceux que esteont en-
franchised per le *Charter* le
Roy de cest custome, ont cest
parol mise en leur *Letters Pa-*

Broodhalpeny.

Broodhalpeny, in some
Copies, *Broodhalfe peny*, that
to be quit of a certaine custome
exacte for setting up of
Tables or *Boards* in *Fairs* or
Markets, and those that
freed by the *Kings Charter*
this Custome, had this
put in their *Letters Patent*.

by reason whereof, at this day
the freedom it selfe (for the
freedom of speech) is called
by the name of Broadhalfe-pen-
ny.

Broker.

Broker seemes to come of the
French word Broieur, id est,
tritor, he that grindez or breakes
a thing into small peeces. And the
true trade of a Broker, as it ap-
peares in the Statute made 1.
Jac. cap. 21. is to beat, contribe,
make, and concinde Bargaines
betweene Merchants & Trades-
men. But the word is now also
appropriated to them amongst us
that buy and sell old and broken
apparell and household-stuffe.

Bloody hand.

Bloody hand, is the apprehen-
sion of a trespassor in the forest
against Venison, with his hands
or other parts of him bloudy, al-
though he be not chasing or hun-
ting: and of this see Manwood in
his forest-Lawes, cap. 18. sect.
9. fol. 133. b.

Bull.

Bull is an instrument so called,
granted by the man of Rome,
and sealed with a Seale of Lead,
containing in it his Decrees,
Commandements, or other Acts,
according to the nature of the
thing for which it is granted.
And these Instruments so called
have bene heretofore used, and
of force in this Land: but by
the Statute of 28. H. 8. cap. 16.
it was enacted, That all Bulls,
Brevs, Faculties, and Dispen-

tent: per reason de quel, a cest
jour le enfranchisement mesme
(pur le brevitie de elocution)
est appel p le nosme de Broad-
halfe-penny.

Broker.

Broker semble de venir del
paroll Francois Broieur, id
est, Tritor, cestuy q grinde ou
rumper un chose en petite par-
cells: Et le voyer office dū Bro-
ker cōc appiert per le Stat. fait
1. Jac. cap. 21. est de bater, con-
triver, faire, & concluder bar-
gains ēter Merchāts & Trades-
men. Mes le parol est ore auxy
appropriate as eux ēter nous q
achate & vende vieux & broke
apparell & household-stuffe.

Bloody hand.

Bloody hand, est le Apprehē-
der dū trespassor en le forest
envers Venison cue ses maynes
ou alcū part de luy embrues en
sanke, coment q il ne soit trouē
chasing ou hunting: & de cēo
veies Manw. For. leyes cap. 18.
sect. 9. fol. 133. b.

Bull.

Bull est un Instrument issint
appel, graunt per le hōe de
Rome, & enseale oue un Seale
de plumbe, cōteinant en ceo ses
Decrees, Commandements, ou
auter Acts, accordant al nature
del chose pur que il est graunt.
Et ceux Instruments issint ap-
pel, ont estre cy devant use, &
de force en cest Terre: mes per
lestatute de 28. H. 8. cap. 16.
fuit enact, Que tous Bulls,
Breves, Faculties, & Dispen-
sations,

The Exposition of

lations, de quelque nōme ou nature que il fuit, ad ou obtain del Euesque de Rome, serront tout ousterment voyd, & de nul effect. Vide *Rastall*, 328. C. D.

Bullion.

Bullion venust del parol François Billon, q̄ est le lieu lou or est try. Et issint Bullion est prise en lestatutes faits en 27. E. 3. Stat. 2. cap. 14. & en 4. H. 4. Stat. 1. cap. 10. pur le lieu a que or ou argēt est port destre trié ou exchange. Mes Bullion est auxy prise en lestatute 9. E. 3. Stat. 2. cap. 2. pur or ou argent en le masse ou billet.

Briefe.

Briefe (*Breve*) signifie plus properment en nostre Ley, le pces q̄ issint hors del Chancery ou aul Court, cōmandant, le viscount de summoner ou attacher A. pur respōder al suit B. &c. mes plus largement est prise p̄ aucun p̄cept del Roy en escript south seale issuant hors dascū Court, p̄ que il command aucun chose destre fait pur le furtherance del Justice & bon order. Et ils sont appels briefes (*Brevia*) p̄ ceo q̄ ils briefent comprehend' le cause del actiō, & rem brevier enarrant. Et ascuns d'eux sont originals, & ascū judicials, cōe poies veier alarge ē le Register des briefes.

Burgage.

Tener ē Burgage, est a tener sicome les burgeis teignent

lations of whatsoever nature that it was, had obtained from the Bishop of Rome should be altogether voyd, of no effect. See *Rastall*, 328. C. D.

Bullion.

Bullion cometh fro the French word Billō, which is the place where gold is tryed. And so Bullion is taken in the Statute made in 27. E. 3. Stat. 2. cap. 14. and in 4. H. 4. Stat. 1. cap. 10. for the place whither gold or silver is brought to be tryed or exchanged. But Bullion is also taken in the Statute 9. E. 3. Stat. 2. cap. 2. for gold or silver in the masse or billet.

Briefe.

Briefe (*Breve*) signifies more properly in our Law, the pieces that issues out of the Chancery or other Courts, commanding the Sheriff to summon or attach A. to answer to the suit B. &c. but more largely it is taken for any precept of the King or writing under seale, issuing out of any Court, whereby he commands any thing to be done for the furtherance of Justice or good order. And they are also so called Briefes, because they briefly comprehend the cause of the action. And some of them are Originals, and some Judgments as you may see at large in the Register of writs.

Burgage.

To hold in Burgage, is to hold as the Burgeis hold of the King.

ing, or of another Lord, lands, or tenements, yielding to him a certaine rent by the yeare, or else where where another man than Burgeis holdeth of any Lord, lands or tenements in Burgage, yielding to him a certaine rent by yeare.

Brughbote.

Brughbote, (and in some Copies Bridgebote) that is to be quit of giving ayde to the repairing of Bridges.

Burghbote.

Burghbote, that is, to be quit of giving ayde to make a Borough, Castle, Citie, or walles thowne downe.

Burbreach.

Burbreach, that is, to be quit of trespasses done in Citie or Borough against the peace.

Burgh English.

Burgh English, or Borough English, is a custome in some ancient Borough, that if a man have issue divers sonnes, and death, yet the yongest sonne onely shall inherite and have all the lands and tenements that were his fathers, wherof he died seised within the same Borough by descent, as heires to his father, by force of the customs of the same Borough.

Burglarie.

Burglarie is whē one breaketh and entereth into the house of another in the night, with felo-

de Roy, ou de autre Seignior, terres, ou tenements, rendant a luy un certaine rent per an, ou autrement la ou un autre home q Burgeis tiēt dasc' Seignior, terres ou tenements en Burgage, rendant a luy un certaine rent per an.

Brughbote.

Brughbote (& un ascuns copies Bridgebote) *hoc est, quietum esse de auxilio dando ad reficiendum pontes.*

Burghbote.

Burghbote, *hoc est, quietum esse de auxilio dando ad faciendum Burgum, Castrum, Civitatem, vel muros prostrata.*

Burbreach.

Burbreach, *hoc est, quietum esse de transgressionibus factis in Civitate vel Burgo contra pacē.*

Burgh English.

Burgh English, ou Borough English, est un custom en un ancient Borough, que si un hōc ad issue divers firs & morust, uncore le puisne sirs solement inheriter, & avera tous les terres & tenements q fueront de son pere, de que il morust seisie deins m le burgh per descent, come heire a son pere, per force del custome de mesme le Burgh.

Burglarie.

Burglarie est quant un debrule, & enter en le meason d'un autre en le nuit, oue felonious

The Exposition of

nious intent, de robber ou occider, ou de faire auter felonie, en queux cases nient obstant il import riens, uncore il est felonie, pur que il serra pendue. Autermēt est sil soit en le jour, ou que il debruse le meason en le nuit, & ne entra pas en ceo a cest temps,

Mes si un servant voile conspire oue auters de robber son Master, & a cel entent il over les dores & sinistres de son Master en le nuit p eux, & ils vient en le meason p cest voy, cest Burghlarie en les estrangers, & le servant est un laron, mes nemy un Burgler. Et ceo fuit l'opinion de le right Worshopfull Sir Roger Manwood Chivaler plus digne Seignior chiefe Baron de le Eschequer, a la quarter Sessions tenus en Canterburie en January 1579. 21. Eliz.

nious intent to robbe or kill, doe some other felonie, in such cases although he carry nothing, yet it is felonie, which he shall suffer death, therwile it is, if it be in the time, or that he breake the house in the night, and enter not therein at that time.

But if a servant will conspire with other men, to rob his Master, and to that intent he openeth his Masters doores and windows in the night for them, when they come into the house by that way, this is Burghlarie in the strangers, and the servant is a Theefe, but no Burglar. And this was the opinion of the right Worshopfull, Sir R. Manwood Knight, most worthy Lord Chief Baron of the Exchequer, at the quarter Sessions holden at Canterburie in January 1579. Eliz.

C

Capacitie.

CApacitie est quāt hōe, ou corps politique, ou corporat est capable a doner ou prēder terres ou auter choses, ou a fuer actiōs, sicōe un alien nee ad sufficient Capacitie a fuer ē a seū psonall actiō, mes ē real actiō est bone plee adire q il est aliē nee, & prier sil serra respondu, Dyer fol. 2. pla. 8.

Si home enseoſſe un alien & un home al use de luy ou &c. semble que le Roy avra

C

Capacitie,

CApacitie is when a man bodie politicks or corporate is able to give or take lands or other things, or to sue actions as an Alien borne hath sufficient Capacitie to sue in any personall action, but in a real action it is good plea to say, that he is an alien borne, and pray if he shall be answered, Dyer fol. 3. pla. 8.

If a man enfeoffeeth an alien and another man to the use of such a person, it seemeth

the King shall have the mottie of
the land for ever, by reason of the
incapacitie of the alien, Dyer fol.
283. pla. 31.

By the common Law no man
hath capacitie to take Tythes
but spirituall persons, and the
King, who is a person mixt;
but a lay man that is not capable
of tythes in taking them, was yet
capable of discharge of tythes in
the Common Law in his owne
land as well as a spirituall man.
See Coke lib. 2. fol. 44.

Cape.

Cape is a writ judicall, touch-
ing ple of lands or tenements,
so called (as the most part of writs
are) of that word, which in it selfe
carrieth the especiallest intention
or end thereof. And this writ
is divided into grand Cape and
petit Cape, both which take hold
of things immoveable, and seeme
to differ betwene themselves in
these points following: First,
because that grand Cape lyeth
before apparance, and petit Cape
after. Secondly, by the grand
Cape the tenant is summoned to
answer to the default, and ober to
the demandant: Petit Cape
summoneth the tenant to answer
in the default onely, and there-
fore is called petit Cape, in the
old N.B. 161. 162. Yet Ingham
sayth, That it is not called petit
Cape, because it is of small force,
but because it is a little writ in
words.

This writ seemeth to containe
in it a Proceſſe which the Civi-
lians called, *Missio in possessionem*

le moytie del terre a tous
jours per reason del incapaci-
tie del Alien, Dyer fol. 283.
pla. 31.

Per le cōmon Ley nul hōe ad
capacitie de prender Dismes
forſq̄ spirituall pſons, & le Roy,
qua est persona mixta; mes lay
home q̄ nest capable de Dismes
en pñancie, fuit uncore capa-
ble de discharge de Dismes al
common Ley en son terre de-
mesne cibien come spirituall
home. Vide *Coke lib. 2. fol. 44.*

Cape.

Cape est un briefe judicial,
touchât pleede terrs ou te-
nement, issint appel (sicōe les plu-
sors de briefs sont) de cest pol q̄
ē luy mesme port de pluis espe-
cial étetiō & fine de ceo. Et cest
briefe est divide en grād Cape &
petit Cape, queux ābideux pré-
dōnt des choses immoveables,
& semble a disagreer perē eux
mesmes ē ceux points insuants:
Primermt, pur ceo q̄ grād Cape
gist devant apparance, & petit
Cape puis. Secūdemt, p le grād
Cape le tenant est summon a res-
pond al default, & ouster al de-
mandant: Petit Cape summō le
tenant a responder al default
solemt, & pur ceo est appel pe-
tit Cape, en le veil N. B. 161.
162. Uncore Ingham dir, que il
nest appel petit Cape, pur ceo
que il est de petit force, mes
pur ceo que il est petit briefe
en parols.

Cest briefe semble a contei-
ner en ceo un proces oue les
Civilians appel, *Missio in pos-
sessionem*

The Exposition of

seffionem ex primo & secundo Decreto : Car sicome le primer Decree ent seifist le chole, & le secod donast ceo de luy q̄ list le second default en sō apparāce; issint cest *Cape* seifist le terre, & auxy assigne ouster al party un jour d̄ apparance, a quel sil ne vient eins le terre est forfeit. Uncore la est difference perenē ceux deux courses del common & civile Ley; car cest *Missio in possessionem*, extēd a toucher cibien biens moveables come immoveables, ou un *Cape* extēd solement al immoveable.

Secondm̄t, en ceo, Que le party esteant satisfe de son demand, le residue est restore a luy que defaulta : Mes per le *Cape*, tout est seifise sans restitution.

Tiercement, Cesty est al use del party Agent, le *Cape* est al use le Roy. Vtes Bracton lib. 5. Tract. 3. cap. 1. num. 4. 5. & 6. Le Reg. judic. fol. 2. 2.

Cape ad Valentiam.

CApe ad Valentiam est un briefe de Execution, & est issint define en le veile *Natura Brevium*, fol. 161. 162. Cest briefe gist ou le Tenant est impleade de certaine Terres, & il vouche a Garrantie un autre vers que les Summons *Ad warrantizandum* ad este agarde, & le Vouchee ne vient eins al jour done : Donques si le Demaundant recover vers le Tenaunt, il avera cest briefe e-muers le Vouchee, & recovers

ex primo & secundo Decretis as the first Decree seifeth thing, and the second given from him that made the second default in his apparance; so the *Cape* seifeth the Land, and assigneth over to the party a day of apparance, at which, if he cometh not in, the Land is forfeited. Yet there is difference betwene these two courses of the Common and Civil Law, for this *Missio in possessionem*, extendeth to touch as well moveable as immoveable, whereas a *Cape* extendeth onely to the immoveable.

Secondly, in this, That the party being satisfied of his demand, the residue is restored him that defaulted : but by the *Cape*, all is seifed without restitution.

Thirdly, That as to the use of the party agent, the *Cape* is to the use of the King. Vtes Bracton lib. 5. Tract. 3. ca. 1. num. 4. 5. & 6. The Regist. judic. fol. 2. 2.

Cape ad Valentiam.

CApe ad Valentiam is a writ of Execution, and is thus defined in the old *Natura Brevium*, fol. 161. 162. This writ lieth where the Tenant is impleaded of certain lands, and he voucheth to warrant another against whom summons *Ad warrantizandum* have been awarded, and the Tenant cometh not in at the day given; then if the Demandant recover against the Tenant, he shall have this writ against the Voucher, and shall recover so much in value

of the Monches land, if he have much, and if he hath not so much, then the Tenant shall have execution by this writ, of such lands & tenements as descend to him in Fee-simple; or if he purchase afterwards, the Tenant shall have against him a resumption, and if he can say nothing, he shall recover the value.

And know that this writ lieth before apparance: Of these and their divers uses, see the Register judiciall, the word Cape.

Capias.

Capias is of two sorts, the one before judgement, called Capias ad respondendum, in an Action personall, if the Sheriffe returne upon the first writ, Nihil habet in Balliva nostra. And the other is a writ of Execution after judgement, which also is of divers natures, which see in the Title Proccesse.

Capite.

Capite is a Tenure that holdeth immediately of the King, as of his Crowne, be it by Knights service, or Socage, and not of any Honor, Castle, or Manor, and for this it is also called a Tenure, which holdeth merely of the King: for as the Crowne is a Corporation, a Seigniorie in grosse, so the King who possesseth the Crowne, is in the eye of the Law perpetually King, and is never in his Minority, nor byeth no more than Populus doth, whose authority he beareth. See Fitzherbers Natura Brevium, so-

sant en value del Terre del Vouchee, fil tant ad, & fil nad tant, donque le Tenaunt avera execution per cest briefe, de tiels Terres & Tenements que descend a luy en Fee-simple, ou fil purchase apres, le Tenaunt avera vers luy un resummons, & fil riens poit dire, il recouvrera le value.

Et saches, que cest briefe gist devant apparance; de ceux & leur divers uses, vies le Table del Reg. judiciall, le parol Cape.

Capias.

Capias est del deux sorts, l'un devant judgement, appel Capias ad respondendum, en un Action personall, si le Viscount sur le primer briefe returne, Nihil habet in balliva nostra. Et l'autre est un briefe d'execution apres judgement, que auxy est de divers natures, queux vies en le Title Proccesse.

Capite.

Capite est un Tenure q tient ymediatement del Roy cbe de son Corone, soit ceo per service de Chivaler, ou Socage, & nient dascun Honour, Castel, ou Mannour, & pur ceo il est auxy appel un Tenure q tient meement del Roy: Car come le Corone est un Corporation, un Seigniorie e grosse, issint le Roy que possiede le Corone est en le oyl del Ley perpetualment Roy, & ne unques est e son Minorite, ou morust nient plus q Populus fait, lauthority de queux il port. Vies Fitz. Nat. Brev. fol. 5 Uncore

Uncore nota, q̄ un hōc poit tēn del Roy, & uncore niēt ē *Capite*, cest adire, niēt immediatmēt del Corone en grosse, mes p̄ means dascū Honour, Castle, ou Manor, appurteināt al Corone, de q̄ il tiēt sa terre. De ceo *Kitchen* bien dit, Que home poyt tener del Roy per service de Chivaler, & uncore nient en *Capite*, pur ceo q̄ poit estre que il tient d'ascun Honour per Service de Chivaler, q̄ est en le mains del Roy, per discent de son Ancestors, & nient immediatement del Roy come de son Corone, fol. 129. Oue que agree *Fitzherb. Nat. Bre. fol. 5. 4.* queux parols sont a cest effect, Issint q̄ il plainent appiert, Que terres queux sont tenus del Roy, cōe d'un Honour, Castle, ou Manor, ne sont tenus en *Capite* del Roy, pur ceo que un brieve de droit en cel case serra direct al Baylite del Honour, Castle, ou Mannor, &c. Mes quant les terres sont tenus al Roy, cōe de son Corone, donque ils ne sont tenus de Honor, Castle, ou Manor, mes meereint del Roy, cōe Roy & de son Corone, come d'un Seigniorie de luy meisme en grosse, & le chiefe de tous auters Seigniories.

Et cest Tenure en *Capite* est auterint appelle, Tenure tiendant del person del Roy. *Dyer, fol. 44. Brooke Titulo Tenures, Numero 65. 99.* Et uncore Mayster *Kytchen, fol. 208* dit, Que home poēt tener del persō del Roy, & uncore nient en *Capite*: Son case est tiel, Si le Roy purchase

lio. 5. Yet note, That a man hold of the King, and yet not in *Capite*, that is to say, not immediately of the Crowne in gross, but by meanes of some Honour, Castle, or Manor, belonging to the Crowne, whereof he holdeth his land. Of this, *Kytchen* sayeth well, That a man may hold of the King by Knights service, yet not in *Capite* because it may be he holdeth of some Honour by Knights service, that is in the Kings hands, by descent from his Ancestors, and not immediately of the King, and of the Crowne, fol. 129. With which agreeth *Fitzher. Nat. Bre. fol. 5.* whose words are to this effect. So that it plainly appeareth, That Lands that are held of the King, as of an Honour, Castle, or Manor, are not held in *Capite* of the King, because the Writ of Right in this case may be directed to the Bayliffe of the Honour, Castle, or Manor. But when the Lands are held of the King as of his Crowne, then they are not held of Honour, Castle, or Manor, but immediately of the King as of his Crowne, as of a Seigniorie of itself in gross, and the chiefe of all other Seigniories.

And this Tenure in *Capite* is otherwise called, Tenure holden of the person of the King. *Dyer, fol. 44. Brooke Titulo Tenures, numero 65. 99.* And yet Master *Kytchen, fol. 208.* sayeth, That a man may hold of the person of the King, and yet not in *Capite*. His Case is this, If the man

purchase a Mannor that I. S. holdeth the Tenant shall hold as he did before, and he shall not render Liberty, nor Primer Seisin, nor hold in Capite. And if the King grants his Mannor to W. S. in Fee, excepting the services of I. S. then I. S. holdeth as of the person of the King, and yet holdeth not in Capite, but as he held before: By which it seemeth, that Tenure holding of the person of the King, & Tenure in Capite are two divers Tenures. We take away which difference it may be said, That this place of Master Kychen is to be taken as if he had said, Not in Capite by Knights Service, but by Socage, following the usuall speech, because that most commonly, where we speake of Tenure in Capite, we intend Tenure by Knights Service.

Carke.

Carke seemeth to be a quantitie of wool, whereof thirty make a Sarpler. 27. H. 6. cap. 2. See Sarpler.

Carno.

Carno is an immunitie, as appeareth in Crompt. Jur. fol. 191. where it is said, that the Prior of Walton made claime for him and his men, to be quit of all merchandises within the forest, and also to be quit of Escapes, and of all manner of Gelds, and of footgelds, Buckstall, Trites, Carno, and Summage, &c.

Carracke or Carricke.

Carrack alias Carrick, is a ship of burden, and is so called of

Mannor que I. S. tient, le Tenant tiendra come il teignoit devant, & il ne rendra Liverie, ne primer Seisin, ne tiendra en Capite. Et si le Roy grant son Mannour al W. N. en Fee, exceptant les Services de I. S. d'oques I. S. tient del Roy cõe del persõ del Roy, & uncore ne tiẽt en Capite, mes cõe il tenoit devaunt: Per que il semble, Que Tenure tiendrãt del person del Roy, & Tenure en Capite, sont deux divers Tenures. A toller quel difference poet estre dit, Que cest lieu le Maister Kychen est destre prise come fil ad dit, Nemy en Capite per service d'Chivaler, mes p Socage, pursuãt le usual plance, pur c'q̃ plus communement, ou nous parleroms de Tenure en Capite, nous intendoms tenure per service de Chivaler.

Carke.

Carke semble destre un quantitie de Lane, de q̃ troysieme font un Sarpler. 27. H. 6. cap. 2. Vide Sarpler.

Carno.

Carno est un Immunitie, cõe appiẽt en Crompt. Juris. fol. 191. ou est dit, Que le Prior de Maltõ fait claime pur luy & ses homes, destre quit de tous amerciements deins le Forest, & auxy destre frank D'escapes, & de tous mãnẽrs de Gelds & de Pee-gelds, Buckstall, Trites, Carno, & Summage, &c.

Carracke ou Carricke.

Carrack alias Carrick, est un neife de faix, & est issint appel

The Exposition of

del parol Italiano *Carico* vel *Carco*, id est onus. Et c' parol est mention en lestatute 1. Jacobi, cap. 33.

the Italian word *Carico* or *Carco*, which signifies a burden. This word is mentioned in Statute 1. Jac. cap. 33.

Carve de terre.

CArve de terre est un certain quantite de terre, per que les subjects ont este cy devant taxe, sur que le Tribute issint levie, est appel Carvage, *Bract. lib. 2. cap. 16. num. 8. Littleton Sect. 119.* dit, Que *Soca* est mesme oue *Caruca*, l'un Soke ou Carve. *Stow* en son Annals, p. 271 ad ceux parols, Mesme le temps *Henrie* le Roy prist Carvage, cest adire, deux marques d'argent d'chescun fee dun Chivaler, al mariage de son soer *Isabel* al Emperour. Per que il semble, que la suit raice de chescun Carve de terre tant, & issint per consequent de chescun fee de Chivaler deux Markes D'argent. *Rastal* en son exposition de parols dit, Que Carvage est destre quit si le Seignour le Roy taxera tout le Terre per Carves, cest adire, un privilege per que un home est exempt de Carvage.

Mayster Skene dit, que ceo containe cy graund portion de Terre que poit estre eyred ou tilled en un anne & jour oue un Carve, que auxy est appelle *Hilda*, ou *Hida Terra*.

Castellaine.

Castellaine est un Keeper ou Capitaine, ascun foits appel un Constable dun castle, *Bract. lib. 5. Tract. 2. cap. 16.* en mesme

Carve de terre.

CArve de terre is a certain title of Land, by which Subjects have bene heretofore taxed: whereupon the Tax so levied is called Carvage. *Bract. lib. 2. cap. 16. num. 8. Sect. 119.* saith, That *Soca* is the same with *Caruca*, i. e. a *Soke* or *Plow*. *Stow* in his Annals, p. 271. hath these words, The same time *Henry* the King took Carvage, that is to say, two Marks of Silver for every Knight he had to the marriage of his sister *Isabel* to the Emperour. By which it seemeth, that there was taxed of every *Plow* land so much, and so consequently of every Knight for two Marks of Silver. *Rastal* in his exposition of words saith, That Carvage is to be quit, if the Lord the King shall tax all the land by *Plow*, that is to say, a privilege by which a man is freed from Carvage.

Walter Skene saith, That it containeth as great a portion of Land as may be eyred and tilled in a yeare and a day with one *Plough*, which also is called *Hild* or *Hide* of land.

Castellaine.

Castellaine is a Keeper or Captain, sometimes called a Constable of a Castle, *Bract. lib. 5. tract. 2. c. 16.* in the same manner

It is used, an. 3. E. 1. cap. 7. In the
book De Feudis, you shall finde
Gualdus to be of like significa-
tion, but more large, because it is
also extended to those that have
the custodie of the Kings mansi-
on houses, called Courts, not-
withstanding they are not places
of defence or force. M. Manwood
p. 1. of the Lawes of the Forrest,
pag. 173. saith, That there is an
officer of the Forrest, called Ca-
stellanus.

Castle-gard.

Castle-gard is an imposition
laid upon such of the Kings
subjects as dwell within a cer-
tain compass of any Castle, to the
maintenance of such as watch
and ward the Castle, Mag. char.
ca. 2. & an. 32. H. 8. cap. 48. It is
sometimes used for the circuit it
self, which is inhabited by such
as are subject to this service:

Casu consimili.

Casu consimili is a writ of en-
trie granted where the tenant
by courtse, or tenant for terme
of life, or for the life of another,
alieneth in fee, or in taile, or for
terme of the life of another. And
it hath this name, for this, be-
cause the Clerkes of the Chan-
cerie have framed it by their com-
mon consent, like to the writ cal-
led, in casu proviso, according to
the authority given to them by
the Statute of West. the 2. ca. 24.
which saith, That as often as it
shall happen in Chancery, that in
one case a writ is found, & in the
like case a remedie is wanting, the

le manner il est use, an. 3. Edw.
1. cap. 7. En les lieures de Feudis
vous trovers Gualdus destre
de tiel signification, mes plus
large, pur ceo que il est auxy
extend a ceux que ont le custodie
de les Mansion meisons del
Roy, appel Courts, nient obstar
que ils ne sont lieus de defence
ou force. M. Manwood part. 1.
del Leys del Forrest, p. 173. dit,
Que la est un officer del Fo-
rest, appelle castellan.

Castle-gard.

Castle-gard est un imposicio
impose sur tiels Subjects del
Roy queux inhabitent deins un
certaine compas dascun Castle,
al maintenance de tiels queux
vigilont & gardont le Castle,
Mag. char. cap. 2. & anno 32. H.
8. ca. 8. Il est ascu foies use p le
circuit mesme, & est inhabite p
tiels qux sont subject a cest ser-
vice.

Casu consimili.

Casu consimili est un briefe
de Entrie, graunt ou le Ten-
nant per courtse, ou Tenant pur
terme de vie, ou pur auter vie,
alien en fee ou en taile, ou pur
terme dauter vie. Et il ad cest
nosme, pur ceo, que les Clerks
del Chancery ont ceo frame per
leur commo consent, ensemble
al briefe appel, in casu proviso,
accordat al authorite done al
eux p lestatute de westminster le
2. cap. 24. que voit. Quotiuscum-
que evenierit in cancellaria, quod
in uno casu reperitur breve, &
in consimili casu indigente reme-
dio, concordent clerici de Chan-
cellaria

The Exposition of

cellaria de Breui faciendo, &c.
Et cest brieve est grant a cestuy en reversion, vers le partie a que le dit Tenant ilint alien a son prejudice, & en le vie del dit Tenaunt. Veies pluís de ceo, *Fitzherb. Nat. Bre. fol. 206.*

Casu proviso.

CAsu proviso est done per le statute de Gloucester, cap. 7. Et cest brieve gíst ou Tenaunt en Dower alien en Fee, ou a terme de vie, ou en Taile, la Terre que el tient en Dower, ore cestuy que ad le reversion en Fee, ou en Tayle, ou a terme de vie, maintenant avera cest brieve vers Alienee, ou cestuy que est Tenant del franktenement del Terré, & ceo durant la vie le Tenant en Dower, F. N. B. fol. 205. n.

Catalis.

CAtals cōprehend ē ceo tous biens movable & immovable, forsq; tiels que sont en nature de Franktenement ou parcel de ceo come poet estre collect hors *Stamf. Prerog. cap. 16.* & añ. 1. *Eliz. cap. 2.* *Uncore Kitch. fol. 32.* dit, Que mony nest destí accout biés ou charals, ne esperús, ne chiens, car ils sont *seve nature*. Mes si semble, q̄ mony nest catal, pur ceo q̄ nest de luy mesme chose valuable, mes pluís en imagination que en fait.

Catalis sont ou Reall ou psonall: Catalis reall sont ou tiels que ne apperteinont immediatment al person, mes al ascū au

Clerks of the Chauncerie agree to make a Writ, &c. *this writ is granted to the reversion, against the party whom the said Tenant so alien to his prejudice, and in the life of the Tenant. See more of the F. N. B. fol. 206.*

Casu proviso.

CAsu proviso is given by Stat. of Gloucester, cap. 7. And this writ lyeth where a Tenant in Dower alieneth in Fee, or for terme of life, or in taile, the land which the holdeth in Dower, there hee that hath the reversion in Fee, or in taile, or for terme of life, shall presently have this writ against the Alienee, or that is tenant of the Franktenement of the Land, and that during the life of the Tenant in Dower, F. N. B. fol. 205. n.

Catalis.

CAtals comprehend in it selfe all goods moveable & immovable, except such as are in nature of freehold or parcell of it, as may be collected out of *Stamf. Prerog. cap. 16.* and añ. 1. *Eliz. cap. 2.* *Uncore Kitch. fol. 32.* saith, that money is not to be accounted goods or catalis, nor herowes, nor hounds, for they are seve nature. But it seemeth that money is not a catal, because it is not of it selfe valuable, but rather in imagination, than in deed.

Catalis are either reall or psonall: Catalis reall be either such as doe not immediatly appertaine to the person, but to some other

thing by way of dependance; as
a Wood with Wittings of Land,
the bodie of a Ward, the apples
upon the tree, or the tree it selfe
growing upon the ground, Crom.
33. b. Of esse such as are issu-
ing out of some thing immob-
ile to the Person, as a Lease for
rent or terme of yeares.

Personall may bee so called in
two respects, the one because they
belong immediately to the person
of a man, as a horse, &c. The o-
ther, because that when they are
longtally detained, we have
no other means for their recove-
ry, but personall actions.

The Civilians comprehend
these things, and also lands of all
natures and tenures under the
word Goods; which is by them
divided into Moovables and Im-
moovables. See Bracton lib. 3.
cap. 3. num. 3. & 4.

Certiorari.

Certiorari is a writ, and lieth
where a man is impleaded in
base Court that is of Record,
and he supposeth that he may not
have equall Justice there, then
upon a Bill in the Chancery
supplicating some matter of con-
science, he shall have this Writ
to remove all the Record into
the Chancery, and there to be
determined by conscience, but if
he prove not his Bill, then the
other partie shall have a Writ of
Procedendo, to send againe the
Record into the base Court, and
there to be determined. And it ly-
eth in many other cases, for to
remove Records for the King,
for indictments and others,

chose per voy de dependancy;
cōe un boxe oue charis d'terf,
le corps dū gard, les pomes sur
larbre, ou larbre mesme cres-
sant sur le Terf, *Cromp. fol. 33. b.*
Ou autermt tiels q̄ sont illuāts
hors dascū chose immōveable,
al person, come un Lease pur
Rent ou terme d'ans.

Personal poit estīr issint appel
en deux respects, L'un p̄ c' q̄ ils
appent immediatemt al person
dū hōe, cōe un chival, &c. L'aut
p̄ c' q̄ quant ils sont tortious-
mt detaigne, nous ne auom' pas
ascun aut' means p̄ leur recove-
rie fors q; p̄ personall actions.

Les Civilians comprehend-
dōnt ceux choses, & auxy tres
d' tous natures, ou Tenures,
desouth le parol *Bona*, que est
per eux divide in *Mobilis* &
Immobilia. *Vide Bract. lib. 3.*
cap. 3. num. 3. & 4.

Certiorari.

Certiorari est un brief, & gift
lou un est impleade en un
base Court, q̄ est de Record, &
il suppose que il ne poit aver
equal Justice la, dōques sur un
bill en le Chancerie cōprisant
ascun matter en conscience, il
avera cest briefe pur remocver
tout le Record en le Chaunce-
rie, & la destte determine per
conscience, mes sil ne prova son
Bil, dōques l'auter party avera
un briefe de *Procedendo*, a re-
maund le Record en le base
court, & la destte determine.
Auxy il gift en plusors auters
cases, pur remover Records
pur le Roy, come indictments
& auters.

H

Certificate.

Certificate.

Certificate est un escript fait en ascū court, a doner notice al aut court dasc' chose fait la, come un certificate del cause d'araint, est un transcript briefement fait per le Clerke del corone, Clerke del peace, ou Clerke d' assise al court del bank le Roy, contenant le tenor & effect de chescun indictment, utlagarie, ou conviction, & Clerke araint fait ou declare en ascun auter Court.

Mes nota, que cest certificate doit estre fait per cestuy que est le immediate officer al court, & pur ceo si le Commissarie ou Official del Euesque; certifie un excommengement en barre dun action al common Ley, ceo nest bone (coe fuit resolve en *Coke lib.8. fol.68.*) mes tiel excommengement doit estre certifie per Leuesque mesme: Uncore le certificate dun excommengement per special Commissioners delegates de south lour common seale fuit allow, & tenus assers bone en le common banke. *Djer fol. 371 pla.4.*

Certification de Assise.

Certification d'un Assise de Novel disseisin, &c. est un briefe agard, a re-examiner ou reviser un chose passe per Assise devant ascū Justices; & est use quat hōc appiert p son Bailife a un Assise port per un auter; & perde le jour, & ad ascun auter chose ouster a pleader pur luy mesme, come un fait de release ou &c. que le Baylife ne plea-

Certificate.

Certificate is a writing made in some Court, to give notice to another Court of something done there, as a certificate of the return of attain, is a transcript briefly made by the Clerkes of the Crown, Clerkes of the Peace, or Clerks of Assise to the Court of Kings Bench, containing the tenor and effect of every indictment, outlawry, or conviction, & Clerke attainted, made or recorded in any other Court.

But note, that this certificate ought to be made by him who is the immediate officer to the Court, and therefore if the Commissary or Official of the Bishop makes an excommunication in bar of an action at the common Law, it is not good (as was resolved in *Coke, lib.8. fol.68.*) but such a communication ought to be made by the Bishop himself: the Certificate of an excommunication by special Commissioners Delegates under their common seale was allowed, and held good enough in the common place. *er fol.371. pla. 4.*

Certification of Assise.

Certification of Assise of Novel disseisin, &c. is a writ directed to re-examine or review a matter passed by Assise before any Justices, and is used when a man appeareth by his Writ of Assise brought by him, and loseth the day, and hath another matter to plead further himselfe, as a Writ of Habeas Corpus, &c. which the Writ of Assise

pleader might not plead for him, before better examination of the cause; either before the same or other Justices, and obtaineth Letters Patents (so their forme F.N.B. 181.) and then bringeth a writ to the Sheriffe to call the parties for whom the Writte had passed, and also the Jury, which was impanelled upon: he same writt before the said Justices at a day and place certaine.

And it is called a certificate, because that therein mention is made to the Sheriffe, that upon the parties complaint of the defective examination, or doubts remaining yet upon the Writte passed, the King hath directed his Letters Patents to the Justices, for the better certifying of themselves, whether all the points of the said Writte were well examined or not.

Cession.

Cession is when an Ecclesiastical person is created Bishop, when a Parson of a Parsonage taketh another Benefice without dispensation or otherwise not qualified, &c. In both cases their first Benefices are become void, and be said to become void by cession: and to those that had who was created Bishop, the King shall present for that time whosoever be Patron of them: And in the other case the Patron may present.

Cessavit.

Cessavit is a writ, and it lyeth where my very Tenant which

devoit ou ne puit pleader pur luy, pria un mieux examinatio del cause, ou devant mesme les Justices, ou auters; & acquire Letters Patets (vide leur forme F.N.B. 181.) & donque port un brieve al Vicount d'appeller le partie pur que l'assise ad passe, & auxy le Jurie que fuit impanel sur mesme l'assise devant les dits Justices a un jour & lieu certeine.

Et est appel un certificate, pur ceo que en ceo mention est fait al Vicount, que sur le parties complaint del defective examination, ou awraist uncore remanant sur le Assise passe, le Roy ad direct ses Letters Patents a les Justices, pur le mieux certification de leur mesmes, ou tous les points del dit Assise fueront examine ou nemy.

Cession.

Cession est quant un Ecclesiasticall person est cree Euesque, ou quant un Parson d'un Parsonage prist un autre Benefice sans dispensation ou autrement nient qualified, &c. En ambideux cases leur primer Benefices sont devenus void, & sont appelle destre void per cession: Et al ceux que il ad qui fuit cree Euesq; le Roy presentera pro illa vice, quicunque soit Patron de eux. Et en l'autre case le Patron poit presenter.

Cessavit.

Cessavit est un brieve, & gist lout mon verie Tenant que sient

The Exposition of

tient de moy certain fies ou tenements, rendant certaine rent per an, & le rent est arere niét pay p deux ans, & nul sufficiét distresse poit estre troue sur le terre, donques ieo avera cest briefe per que ieo recovers la terre, mes si le tenant vient en court devât judgémēt, & tendra les arrerages, & les damages, & troue suretie, que il ne cessera pluís en paymēt de dit rent, ieo ferra compel de prender les arrerages & les damages, & donques le Tenant ne perdera la terre. Auxy le heire ne poit maintaine cel briefe pur cesser fait en tēps son anceſter. Auxy cest beiefe ne gíft mes pur annual service, cōe rent & hujusmodi, & nient pas pur homage & fealtie.

Auxy il y ad auter briefe apel *Cessavit de cantaria*, & gíft ou un done tērs a meafō de religiō a trover pur lalme de luy & de ses auncēstors, & de ses heires annualment un chandel ou lamp en Esglise, ou pur faíř asc' divine service, ou de pastre les pōuers, ou auters almes, ou auter tiel chose faire, donque si les dits charges ne sont pas fait p 2. ans, donq; le donoz ou ses heires avera cest briefe vers quecunque est eins apres tiel cesser. Vide leſtatute W. 2. cap. 41.

Challenge.

Challenge est un exception prise ou enverse psons, ou choses: Persōs, cōe en un Assise les Jurors, ou ascū un, ou pluís d'

holdeth of me certaine lands or tenements, paying certaine rent by the years, and the rent is behind not paid by two years, and no sufficient distresse may be found upon the Land, then I will recover the Land; but if the Tenant come into the Court before judgement given, and tender the arrerages and damages, and take surety, that he shall cease no more in payment of the sayd rent, I shall be compelled to take the arrerages and the damages, and then the Tenant shall not lose the land. Also the heirs may not maintain this writ for the cause made in the time of his Ancestors. Also this writ lyeth not, but for annual service, as rent and hujusmodi, and not for homage and fealty.

Also there is another writ called *Cessavit de cantaria*, and lieth where a man giveth land to a house of Religion, to find for his soule and of his Ancestors his heires, yearly a candle or lamp in the Church, or to do any divine service, or to feed the poore, or other almes, or some other thing to doe, then if the charge be not done in two years, then the donoz or his heires may have this writ against whomever holds the things given under such censure: See the Statute W. 2. cap. 41.

Challenge.

Challenge is an exception taken either against persons or things: Persons as in an Assise the Jurors, or any one, or more

them, as in case of Felonie, by the Prisoner at the Barre: Against things, as a Declaration. Old Nat. Br. fol. 76.

Challenge made to the Jurors, is either made to the Array, or to the Polles. Challenge to the Array, is where exception is taken to the whole number, as impannelled partially: Challenge to or by the Polle, is where exception is taken to any one, or many, as not indifferent. Challenge to the Jurors is also divided into Challenge Principall, and Challenge for Cause, that is to say, upon cause or reason: Challenge Principall, or Peremptorie, is that which the Law alloweth without cause alledged, or examination: as a prisoner at Barre arraigned upon Felony, may peremptorily challenge to the number of twenty one after another, of the Juris impannelled upon him, not alleging any cause at all, but his owne dislike, and they shall be discharged, and new put into their places: and this is in favour of life. But in the case of high Treason, no peremptorie Challenge is allowed. See 25. H.8. cap. 3. And a difference may be observed betwene Challenge principall, & Challenge peremptorie, because that Challenge peremptorie someth only to be used in matters criminall, and merely without any cause alledged, more then onely the prisoner's fantasie. Stamf. Pl. Coron. f. 124. and principall for the most part in civil Actions, and with the naming of some exceptio; which being sound

eux; ou en case de Felony, per le Prisoner al Barre: Vers Chofes, come un Declaration, *Vet. Nat. Br. fol. 76.*

Challenge fait a les Jurors, est fait ou al Array, ou a les Polles: Challenge al Array, est ou exceptio est prise al entire nombre, come impannell partialment: Challenge al ou per le Polle, est ou exception est prise al ascū un, ou pluis, come nient indifferent. Challenge a les Jurors est auxy divide en Challenge Principall, & Challenge per cause, cest adire, sur cause ou reason. Challenge Principall, ou Peremptory, est ceo q̄ le Ley allowe, sans cause alledge, ou examination; Come un prisoner al Barre arrain sur Felony, poit peremptoriment challenge al nombre de vint un apres auter del Jury impannel sur luy, nient alledger de ascū cause, mes son dislike demesne, & ils seront discharge, & novels mise en leur lieux: & ceo est *in favorem vite*. Mes en le case de hault Treason, nul peremptory challenge est allowe. Vide 25. H.8. cap. 3. Et un difference poit estre observe perent Challenge principal & Challenge peremptory, pur ceo que Challenge peremptorie semble seulement destre use en choses criminal, & merement sans ascun cause alleage pluis que le sole phantasie del prisoner, *Stamf. Pl. Coron. fol. 124.* & principal pur le greinder part en civile Actions, & oue le noimant de ascun exception, que esteant

The Exposition of

trouue voyer, le Ley maintenant allowe. Come pur exemple, si ascun partie dit, Que un des Jurors est le Fils, Frere, Cousin, ou Tenat al autre partie, ou espouse son File, ceo est un bone & fort exception, sil soit voyer, sans pluis examination del credit del partie challenge. Et de q large extent cest challenge de Consanguinitie est, il bien appiert, *Plow. fol. 425.* Auxy en le plea del mort de ascun home, & en chescun Action real, & auxy en chescun Action personall, ou le det ou damages amount al 40. Markes, il est bone Challenge al ascun del Jurie impanel, que il ne poet dispendre 40. s. per l'an, de son Franktenement demesne, *Anno 11. H. 7. cap. 21.*

Challenge sur Reason ou Cause, est quant le partie alledge ascun tiel exception vers un ou pluis d'l Jurie, que nest immediate sufficient sur conuissance del voiertie de ceo, mes arbitrabile & considerable per le residue des Jurors, come si le Fils de Juror ad espouse le File del aduerser partie, cest challenge per cause semble per *Kytch. fol. 92.* destre challenge pur favour; ou potius challenge pur favour, est la dit destre un pecies de challenge per cause, ou poys auxy lier queux challenges sont communement account pur principal, & queux nemy.

Chamberdekins.

CHamberdekins sūt Irish Beg-gais, que per l'Statute de 1.

true; the Law presently alloweth. As for example, if any party saith, That one of the Jurors is the Sonne, Brother, Cousin, or Tenat to the other party, or married his daughter, this is a good and strong exception if it be true without further examination of the credit of the party challenger. And how largely this challenge of kindred extendeth, it shal appeareth, *Plow. f. 425.* Also in the plea of the death of any man, in every Action real, and also in every Action personall, where the debt or damages amounteth to forty Markes, it is a good challenge to any of the Jurie impanelled, That he cannot dispend forty shillings by the year in his owne freehold, *An. 11. H. 7. cap. 21.*

Challenge upon reason or cause is when the party alleadgeth any such exceptio against one or more of the Jurors, which is not true without sufficient, upon acknowledgement of the truth thereof, rather arbitrabile and considerable by the rest of the Jurors, as if the Sonne of the Juror had married the daughter of the aduerser party; this challenge by cause shal be termed by *Kytch. fol. 92.* Challenge for favour; or rather challenge for favour is there to be a Species of challenge per Cause: where you may also see what challenges are commonly accounted for principal, and what not.

Chamberdekins.

CHamberdekins are Irish Beg-gais, which by the Statute

Hen. 5. cap. 8. were by a certayne
time within the same Statute
missid, to avoyd this Land.

Champertie.

Champertie is a writ, and leth
where two mē be impleading,
and one giveth the halfe or part of
the thing in Plea, to a stranger,
for to maintaine him against the
other, then the party grieved shall
have this writ against the stran-
ger. And it someth, that this
hath been an ancient fault in our
Realm, for notwithstanding dis-
vers Statutes, and a forme of a
writ framed unto them, yet Añ. 4.
Ed. 3. c. 11. it was enacted, That
where the former Statutes pro-
vided redresse for this onely in the
Kings Bench, which then fol-
lowed the Court, it should be law-
full for the Justices of the cōmon
Pleaes likewise, and Justices of
Nisse in their Circuits, to en-
quire, heare, and determine these
and such cases, as well at the R.
suit, as at the suit of the party.
Also it was obtained by the Sta-
tute of 33. H. 8. (which was con-
firmed by the Statute of 37. H. 8.
c. 7.) That Justices of P. at their
quarter Sessions should have au-
thority to enquire, as well by the
oaths of 12 men, as by the infor-
mation given to them by any per-
son or persons, of the defaults
contempts, & offences committed
against the Lawes and Statutes
made and provided concerning or
touching Champertie, Mainte-
nance, &c. and to heare and deter-
mine the said faults and offences.

Champertors be they that move

H. 5. cap. 8. fueront per un cer-
tain tēps deins mesm l'estatute
expresse, d'avoyder cest Terre.

Champertie.

Champertie est un brieve, &
gist lou deux homes sont im-
pleadāts, & l'un done la moirie
ou part del chose en plee, a un
estrāge, pur luy maintenir en-
counter le auter, dōques le par-
tie grieve avera cest Brieve de-
vers le estrange Et semble que
ceo ad este un antient peche en
nostre terre : Car nient obstant
divers Statutes, & un forme de
un Brieve frame a eux, uncore
Anno 4. Edward 3. cap. 11. fuit
enact, Que ou les primer Sta-
tutes provide redresse pur ceo
solement en Banke le Roy, que
donques attend le Court, il
ferroit loyall pur les Justices
del common Plees ensement, &
Justices D'assises en leur Cir-
cuits, d'enquiere, oyer & deter-
miner ceux & tiels cases, cybiē
al suit le Roy, cōe al suit del pty.
Auxy fuyt ordeigne per L'esta-
tute de 33. H. 8. (Q fuit con-
firme p le Statute de 37. H. 8.
cap. 7.) Que Justices del Peace a
leur quarē Sessions averōt au-
thority dequiere cybiē ple se-
rēnts de 12 hōes, come per l'en-
formation done a eux per ascū
person ou persons, des defaults,
contempts, & offences commise
encounter les leys & Statutes,
fait & purviewes concernāes ou
touchants Champertie, Mainte-
nance, &c. & a oyer & determi-
ner les dits faults & offences.

Champertors sont ceux que

The Exposition of

mo^uua plees & suits, ou cause
deste move per lour ou auters
procurement, & sue a lour co-
stages & charge demesne, pur
aver part del terre ou gaines
en variance. Vies l'estatute Ar-
ticuli super Chartas cap. 11.

Chance-medley.

CHance-medley est quant un
home sans ascu male entent,
fait un loyal chose, ou que nest
prohibite per Ley, & uncore
auter est tue, ou vient a so mort
per ceo, sicome home iet un
pierre, que percussit home ou
feme, que apres de ceo morust
ou si home sagitte un Fletch, &
auter que passe cest voy est
occide, & tiels semblables, cest
manner d'occision est homicide
per misadventure, ou Chance-
medley, pur que cestuy que
occide avera son pardon de
course, come appiert per l'esta-
tute de 6. Ed. 1. c. 9. & il forfei-
tera ses biens en tiel manner
come cestuy que tuera un home
en son defence. Mes en cest case
est destre consider ou cestuy
que commit cest homicide per
Chance-medley fuit en fealsans
dun loyal chose, car si le act
fuit illoyal, come a pugner al
Barriers, ou curre a Tilt sans
sauns commandement le Roy, ou
ieter pierres en un Hault voy
ou homes usualment passe, ou
sagittant Fletches en un Mar-
ket lieu, ou tiels semblables, per
que un hōe est occide, en tous
ceux cases il est Felony al
meines, cest ascavolre, homicide
sinon que soit murder, car l'of-

plees and suits, or cause to be
brought by their owne or others pro-
curement, and sue them at their
owne costs, to have part of the
lands or gaines in variance. See
the Statute Articuli super chartas
cap. 11.

Chance-medley.

CHance-medley is when a man
without any evil intent, does
a lawful thing, or that is not pro-
hibited by Law, and yet another
is slain, or cometh to his death
thereby: as if a man casteth a
stone, which striketh a man or
woman, who after dieth thereof;
or if a man shooteth an arrow,
and another that passes this way
is killed, and such like this man-
ner of killing is Man-slaught
by misadventure, or Chance-me-
dley, for which he which killeth
shall have his pardon of course,
as appeareth by the Statute of
6. Ed. 1. cap. 9. and he shall forfeit
his goods in such manner as he
that shall kill a man in his owne
defence. But in this case it is to
be considered, whether he that
committeth this Man-slaught
by Chance-medley was in doing
of a lawfull thing, for if the act
was unlawful, as to fight at
Barriers, or run at Tilt with-
out the Kings commandement, or
cast stones in a highway where
men usually passe, or shooting ar-
rows in a market place, or such
like, whereby a man is killed, in
all these cases it is felony at least,
that is to say, Man-slaught, &
not further, for the offender be-
ing doing of an unlawfull act,

through

ough his own will, the Law
will construe his meaning and
will herein, by the success of the

As if two are fighting toge-
ther, and a third man cometh to
part them, and is killed by one
of them two without any malice
or thought, or evil intent in
him that killed the man, yet this
is murder in him, and not man-
slaughter by chance-medley or
misadventure, because that they
two that fought together were in
being of an unlawfull act. And
if they were met with premeditated
malice, the one intending to kill
the other, then it is murder in
them both.

Chapter.

Chapter is a Summarie of
the Content of all such matters as
are to be enquired of before Justices
in Eyre, Justices of Assise,
or of the Peace in their Sessions:
it is used, 3. Ed. 1. cap. 27. in
these words, And that no Clerke
or any Just. Escheator, or Com-
missioner in Eyre, shall take any
thing for delivery of Chapters,
but onely Clerkes of Justices in
their Circuits: and likewise, 13.
dw. 1. cap. 10. in these words,
And when the time cometh, the
sheriff shall certifye the Chapters
before the Justices in Eyre:
how many wotes he hath. Also
written in the same signification
with this word, c. 3. And at this
day Chapters are called Articles
in the most part, and are deliver-
ed as well by the mouth of the
Justice in his charge, as by the

fendoresteant feasant dū illoy-
al act p sō volunt demesne, le
ley construa sō meaning & vo-
lunt en c' p le successe del act.

Come si deux sont pugnans
ensemble, & un tierce hōc vient
a severer eux, & est occide per
un de eux deux, sans aucun ma-
lice prepençe, ou male entēt en
luy que occide le home, uncore
ceō est murder en luy, & nemy
homicide p Chance-medley ou
misadventure, pur ceō que ils
deux que combateront ense-
mble, fueront en feasance d'un il-
loyal act. Et si ils fuerōt assem-
ble oue malice prepeçe, l'un in-
tendant d'occid' l'auter, donque
il est murder en eux ambideux.

Chapter.

Chapter est un Summary ou
content de tous tiels choses
que sont destre enquire devant
Justices en Eyre, Justices d'assise,
ou del Peace en leur Sessions:
Il s'entend est use, 3. Ed. 1. cap. 27.
en ceux parols, Et que nul
Clerke d'aucun Justice, Eschea-
tor, ou Commissioner en Eyre,
prendre a seū chose pur de live-
ry de Chapif, mes s'olemt clerks
de Just. en leur Circuits, & en-
semt 13. Ed. 1. c. 10. ē ceux pōls,
Et quant le temps vient, le Vi-
count certifiera les Chapters
devant les Justices en Eyre,
quel nōbre des bres il ad. Auxy
Brit. en mesme signification use
cest parol, cap. 3. Et a cest iour
Chapif sont appellees Articles,
pur l'greind part, & sōt deliver-
cy bien per la bouche del Ju-
stice en son charge, come per
les

The Exposition of

les Clerkes en escript, al Enquest, ou en ancien tēps ils furent, aps un exhortation done ples Justices, pur le bone observation del Leyes & peace del Roy, primermt lye distinctmt & appiertmēt en le plein Court & donque deliver en escript al grand Enquest. Un example de ceux Chaprs la est en le Liver de Assises, fol. 138. Placito 44.

Chapleine.

CHapleine est celuy que fait Divine Service en un Chappel, & pur ceo est communemēt use pur celuyque depend sur le Roy ou auter home de qualite, pur l'enstruction de luy & son familie l'execution de Orisons & Sermōs en son privat meafō, ou communement ils ont un Chappel pur cel purpose.

Et pur ceo que ils sont reneine per Letters desous le Signet de lour Patron, & per ceo sont p entendement destre resiant oue eux, le Ley ad done libertie pur lour non resiance sur lour Beneficēs.

Si un Couit ou Baron dereigne un Chapleine, & deyaunt son advancement soit attraint de Treason, la le reteigner est determine, & apres le attrainder, tiel Chapleine ne poet accept un second Benefice, pur ceo que cestuy que est attraint est per son attrainder un mort persō en Ley. Et queux psons de Nobilitie & auters poient retein, & quant Chapleynes ils severalmēt poient reteyne, l'act. de 21. Hen. 8. cap. 13. bien declare.

La

Clerkes in writing, to the Enquest, where in ancient time were, after an Exhortation by the Justices, for the obligation of the Lawes of the peace, first read distinctly openly in the full Court, and delibered in writing: o the Enquest. An example of Chapters there is in the Book of Assises, fol. 138. Placito 44.

Chapleine.

CHapleyn is he that performe divine Service in a Chappell, and therefore is commonly used for him that dependeth upon King, or other man of his family, the reading of Prayers and Preaching in his private House, where usually they have a Chappell for that purpose.

And for that they are retained by Letters under the Seal of their Patron, and thereby by the Statute are to be resident upon them, the Law hath therewith given liberty for their Non-residency upon their Benefices.

If an Earle or Baron retaineth a Chapleine, and before his advancement be attained of treason, there the Retainer is determined, and after the attainment such Chapleine cannot take a second Benefice, because he that is attained is by his attainder dead Person in Law. And the persons of the Nobility whether they may retain, and how many Chapleins respectively they may retain, the Statute of 21. Hen. 8. cap. 13. doth well declare.

The Wife of a Baron, during the Coverture cannot retain a Chaplain, yet when a Baronesse, Widow retaineth one or two, according to the Proviso of the said Statute, the Retainer is the principal matter, and as long as the Retainer is in force, and the Baronesse continueth a Baronesse, the Chaplaines may well take two Benefices by the expresse Letter of the Stat. for it sufficeth if at the time of the Retainer the Baronesse were a Widow: and herein this Rule is to be observed of a woman that attaineth Nobility by mariage, as by mariage of a Duke, Earle, or Baron, &c. for in such case if she afterward marry under the degree of Nobility by such mariage with one that is not Noble, she loseth her Dignity whereunto she had attained by mariage, and after such latter mariage, the power to retain a Chaplain is determined. But otherwise it is where a woman is Noble by Discent, for there her Retainer before or after the mariage with one that is not Noble, shall be in force, and is not countermanded by the mariage, nor determined by her taking of a husband under her degree, *Cok. lib. 4. 118, 119.*

Chapter.

Chapter in Latine is defined to be an assembly of Clerkes in a Church Cathedral, conventual, regular, or collegiat, and in another signification, a place wherein common traicts of men Collegiat are made, and it hath other significa-

La Feme d'un Baron durant le Coverture ne peut reteigne un Chapleine, uncore quant un Baronnesse widdow reteigne un ou deux, selonque le Proviso del dit Act: cest reteigner est le principal matter, & si longe come le reteigner est en force, & le Baronnesse continue un Baronnesse, les Chapleines bié poyent accepter deux Benefices p l'expresse letter del Act, car il suffist, si al temps del reteigner, le Baronnesse fuit Widdow. Et en ceo cest rule est destre entend dun Feme que atteigne Nobilitie per Marriage, cõe p mariage dun Duke, Count, ou Baron, &c. car en tiel case sel apres marrier desouth le Degree de Nobilitie, per tiel mariage oue un que est ignoble, el perde sa dignity a que el ad attaine per mariage, & apres tiel darreine mariage, le poyar de reteyn' un Chapleine est determine. Mes autrement est ou feme est noble per discent, car la fa deteiner devant ou apres le mariage oue un que est ignoble serra en force, & nemy countermaund per le mariage, ne determine per sa prisel dun baron desouth sa degree, *Coke lib. 4. 118. 119.*

Chapter.

Chapter en Latine est define destre *congregationem Clericorū in Ecclesia cathedrali, conventuali, regulari, vel collegiata*, & en aut signifiac' *locū in quo fiunt cōmunes tractatus collegiatorū*, & il ad auters significati-

ons;

The Exposition of

ons que ne pas appent a nostre
purpose : & poet estre dit, que
cé collegiat society est appel'
Chap^e metaphore, le pol ori-
ginal m^timpliont un petit teste,
car cé society ou corporatió est
fidome un teste, non solement a
gard' & góuñ le diocesse en le
vacatió del Euesquery, mes au-
xy en plusors choses d' adviser
Levesque qñt le Sea est pleine.

Charge.

Charge est lou un home
gráta un rent issuant hors de
son terre, & que si le Rent soit
arere, que serra loyal a luy, ses
heires, & assignes, a distreyner
tanque le Rent soit pay, cé ap-
pel un Rent-charge. Mes si un
grant un Rent-charge hors del
terre d'un auter, coment puis
il purchase la terre, uncore le
grant est voyd.

Charter-land.

Charter-terre est tiel que
home tient per charter, cest
adire, per evidence en escript, q
auterment est appel franktене-
ment. Copihold terres devaunt
le Conquest fueront p les Sa-
xons appelle Folkeland, & les
Char^t terres Bockland. Et
Monsieur *Lambert* en s^o expli-
cation de Sax^o pols, dit, Que
cest terre fuit tenus oue pluís
facile & cōmodious conditions
que folkeland ou Copihold ter-
re ten^o sauns escript : Et s^o rea-
son est, pur ceo que il est un
frank & imune Inheritance, ou
terre sans escript est charge oue
payments & servitude, q p le

tions which appertain not to
purpose : and it may be said
this collegiat companie is the
Chapter metaphoricallie, the
word originally implying a
the head, for this company of
poration is as a head, not
to rule and govern the diocess
the vacatió of the Bishop
but also in many things to
the Bishop when the See is

Charge.

Charge is where a Man
teth a Rent issuing out of
ground, and that if the rent
bind, it shall be lawfull for
his heires, and assignes, to
streins till the rent be payd, it
is called a Rent-charge. For
one grant a Rent-charge on
the land of another, though he
purchase the Land, yet the
Grant is void.

Charter-land.

Charter-land is such as a
holdeth by Charter, that is
say, by evidence in writing
which otherwise is called
hold. Copphold Lands before
Conquest, were by the Saxons
called folkeland, and the
ter lands, Bockland. And
Lamb. in his Explication of
Saxon words, saith, That this
was held with more easie &
modious conditions than
land & Copphold land held
out writing: And his reason
because it is a free & absolute
heritance, where Land with
writing is charged with pay-
ment and bondage; that for the

part men noble and of good qual-
ity possess the former, the other
possessed by lay Countrey-
men, the first we call *franchhold*
and by Charter, the other, *land*
the will of the Lord.

If a riot, rout, or unlafulfull
assembly be committed and done,
by the Statute of 19. H. 7.
cap. 13. twenty men inhabiting
within the Countie where the
riot, &c. is made, (whereof eue-
ry one of them shall have lands and
tenements within the same shire
to the peerele value of twentie
shillings of charterhold or free-
hold, or twenty six shillings of co-
pyhold) shall make enquiry thereof.

Charters.

Charters of lands are writings,
deeds, evidences, and instru-
ments, made from one man to an-
other, upon some estate conveyed
or passed between them of lands
or tenements, shewing the names
of the place, and quantitie of the land,
the estate, time, and manner of
the doing thereof, the parties to
the estate delibered and taken, the
witnesses present at the same, with
other circumstances.

Charter partie.

Charter partie is an Indenture
of covenants and agreements
made betwene Merchants and
Mariners concerning their Sea
affaires: and of this you may
read in the statute now out of use
that was made in 32. H. 8. c. 14.

Chafe.

Chafe is taken two waies, first
to drive cattell, as to chafe a

greind' part homes de nobility
& bone quality possessor le pri-
mer, lauter est possesse p lay &
rustick hoes, le prim nous ap-
pellom⁹ Fräktenemēt, & p Charē
lauter terre al volunt del Seig-
nior. Si riot, rout, ou illoyal
assembly soit commise & fait,
donque per le act de 19. H. 7. c.
13. vint homes inhabitant deins
le County ou le Ryot, &c. est
fait, (de que chescun de eux
avera terres & tenements deins
mesme le county, al annuel va-
lue de vint soulze de charter-
hold ou franktenement, ou vint
& siz soulze de Copihold) fer-
ront enquiry de ceo.

Charters.

Charters de Terres sont E-
scripts, Faits, Evidences, &
instruments, fait de un hōe al auē,
sur a'cun estate conveyed ou
passed perenter eux de terres
ou tenements, monstrant les
nosmes, lieu, & quantity del
terre, le estate, temps, & man-
ner del fcaians de ycel, les par-
ties a le estate deliver & prise,
les tesmoignes present al ceo,
ouc auters circumstances.

Charter-party.

Charter-party est un Inden-
ture des covenants & agree-
ments fait enter Merchants &
Mariners touchant leur mari-
time affaires: Et de ceo poyes
lier en lestatute ore obsolete
fait 32. H. 8. cap. 14.

Chafe.

Chafe est prise deux voyes,
primerment a driver cattell, si-
come

come a chaser un distresse a un
Forester; seconderment, est use pur
un receit pur Dames & avers
del Forest, & est d'un nature pe-
rerer un forest & un park, este-
ant comunement meins q'un Fo-
rest, & ney endow oue tous li-
berties, come oue courtes de at-
tachmt; swainmore, & Justice
seat, & unc d'un plus large co-
pas, & ayant plus diversitie del
gardias & game q'un park. M.
Crompt. en so liu de Jurisdiction,
f. 148. dit, que un Forest ne poit
estre en les maines du subject,
mes il immediatment perde le
nosm, & devient un chafe: Et
unc f. 197. il dit, q'un subject poit
estf snr & own du forest, le ql
niét obstâr q seble cotrary un-
core sot abideux les dits, e ascû
sence voyer; car le Roy poit don
ou alienater un Forest a un sub-
ject, uncore issint q quât il est
un foits en le subject il perd le
voyer ppettie dun Forest; pur
ceo q les Courts de Swainmote,
Justice seat & Attachmt, imme-
diatmt vanie; Nul esteant able
de faire un Seignior ehiele Ju-
stice in Eyre del Forest forsque
le Roy, siccome Monsieur Man-
wood ad bié mostre en so liver
de Forest Leys, cap. 3. & 4. Et un-
core poit estre grantus en tiel
large manner que la poit estre
Attachmt & Swainmote, & un
court equivalêt a un Just. seat,
come appieit p luy en mesm le
cap num 3. Issint que un chafe
distert de un Forest e ceo, pur
ceo q poit estre en les maines
dun subject, q un Forest e son
proper & voier nature ne poit

distresse to a Castle; second-
is used for a receit for Dames
beasts of the forest, and is of
middle nature between a Forest
and a Park, being commonly
than a forest, & not endued
so many liberties as with
of attachment, Swainmote,
Justice seat, and yet of a
compass, and having great
vary of keepers and game
a Park. M. Crompt. in his
of Jurisdiction. f. 148. saith, That
Forest may be in the hands of
subject, but it presently loseth
name, & becommeth a chase: &
yet fol. 197. he saith, That a sub-
ject may be Lord and owner of
Forest, the which notwithstanding
that it seemeth contrary, are both
his sayings in some true; for the
King may give or alienate a Forest
to a subject, so, that when it is once
in the hands of a subject, it loseth
the true propriety of a Forest, be-
cause the Courts of Swainmote,
Justice seat, and Attachment, pre-
sently vanish, being able to make
a Lord of Justice in Eyre of the
Forest, as Master Manwood hath
well showed in his Book of Forest
Laws, cap. 3. & 4. And yet it
may be granted in such large
manner, that there may be a
Forest of Attachment and Swainmote,
and a Court equivalent to a Justice
seat, as appeareth by him in
the same Chapter, Num. 3. So
that a Chase differeth from a
Forest in this, because that
may be in the hands of a subject,
which a Forest in his proper
nature cannot be, and from a
Park

erks in this, that it is not in-
fied, and hath not only a lar-
ge compasse and more store of
game, but of keepers also and
persons. See Forest.

Chauntry.

Chauntry is a Church or chap-
pell endowed with lands or other
annuall revenues for the mainte-
nance of one or more Priests, to
sing Masses daily for the soules of
the donors, & such others as they
appoint. And of these you may
see in the Statutes made 37. H.
cap. 4. & 1. E. 6. cap. 14.

Chevage.

Chevage is a summe of money
payed by Villains to their Lords
in acknowledgement of their ser-
vice; the which Bracton lib. 1.
cap. 10. thus defineth; Chevagiū
licuitur cognitio in signum sub-
jectionis & domini de capite suo.
It signifieth also to be used for a
summe of money given by one
man to another of power & might
for his avowment, maintenance,
and protection, as to their head
or leader: Master Lambert writ-
teth it Chevage or rather Chief-
age.

Chevisance.

Chevisance comes from the
French word Chevir, that is
to come to the end or head of a bu-
sinesse. And because the perfect-
ing of a bargain, is the draw-
ing of the matter to the head, this
word Chevisance is used for bar-
gaining in the Statutes of 37. H.
8. cap. 9. & 13. Eliz. cap. 7. & 8.

estre, & de un Park en ceo, que
nest inclose, & ad nō soleūt un
plus large cōpas & plus store
de Game, mes de Gardiās auxy
& Supervisors, Vide Forest.

Chauntry.

Chauntry Cantaria est un ef-
glise ou chappel endow oue
terres ou aur annuall revenewes
p le meintenance dū ou plusors
Priests, & Chaüter Masse d jour
é jour p les almes des donors &
tiels auters q ils appoint. Et de
ceux poies hier en le Statutes 37.
H. 8. cap. 4. & 1. E. 6. cap. 14.

Chevage.

Chevage est un sum d argent
pay p Villens a leur Seign-
ors en conusans de leur ville-
nage, le quel Bracton lib. 1. cap.
10. ainsi define en Latin, Che-
vagiū dicitur recognitio in sig-
num subjectionis & domini de
capite sub. Semble auxy destre
use pur un sum d argent donē
p un home al auter de poyer &
potēcie pur son avowment, main-
tenance & protection, sicome a
leur teste ou conductor: Mast.
Lambert ceo escrie, Chivage ou
potius Chiefage.

Chevisance.

Chevisance venust del parol
Francois Chevir, id est de
vener al chiefe de quel q chose.
Et pur ceo q le perfection d un
bargain est le porter del matter
al fine c' peroll Chevisance est
use p bargainer en le Statutes.
37. Hen. 8. cap. 9. & 13. Eliz.
cap. 7. & 8.

Childwit,

Childwit.

Childwit, hoc est, quod capiat
is gersummi de nativa ve-
stra, corrupta & pregnata sine
licentia vestra.

Chimin.

Chimin est le haut voy lou
chescū home passā q̄ est ap-
pel *Via Regia*, & uncore le Roy
nad aut chose la forsq; le pas-
sage pur luy & son people, car
le franktenement est en le Seig-
niour del soile, & tous les pro-
fits cressants la, come arbres, &
auter choses.

Et ceo est divide ē deux sorts,
Via Regia, de que est parle de-
vant, & *Via privata*, ou *Chimi-
nus privatus*, & ceo est un voy
p̄ q̄ un hōe ou pluis ont liber-
tie a passer, ou p̄ prescription,
ou p̄ charter, sur le terre dun
auter home: Et ceo est divide
en chimin en grosse, & chimin
appendant, *Kytch. fol. 177*. Chi-
min en grosse, est ceo voy que
home tient principalment & sole-
ment en luy mesme: Chimin
appendant est ceo q̄ home ad
adjoīn a ascun auter chose, cōc
appertinant a ceo: Pur exam-
ple, si home prist un close ou
pasture, & ad covenant pur in-
gress & egress, al & de mesme
le dit close p̄ ascun auter terre,
p̄ q̄ auterment il ne poit passer:
Ou chimin en grosse poit estre
ceo, q̄ les Civilians appel per-
sonel, Come quant un covenāt
pur un voy sur le terre d'un
auter hōe pur luy mesme & ses
heires: Chimin appédant econ-
verso, poit estre ceo que ils ap-

Childwit.

Childwit, that is, that you
take a fine of your house
man, defiled, and begotten
childe without your licence.

Chimin.

Chimin is the high way
every man goeth which is
led *Via Regia*, and yet the
hath no other thing there but
passage for him and his people
for the freehold is in the lord
the soile, and of the profits go-
ing there, as tresp, and other
things.

And it is divided into two
the Kings way, of which is spe-
ke before, and a private way, or
private passage, and this is
which one man or more have
berthy to passe either by prescrip-
tion, or by writing, through
land of another man: And the
divided into a way in grosse,
a way appendant, *Kit. fol.*
Chimin in grosse, is that
which a man holdeth principally
and solely in it selfe: Chimin
pendant, is that which a man
hath adjoyned to some other
thing, as appertaining thereto:
For example, if a man have
a Close or Pasture, and have
covenant for ingress and egress
to & from the said Close through
the ground of some other, through
which other wise hee might
passe: Or a way in grosse be-
we that which the Civilians call
personall, as when one covenan-
teth for a way through the ground
of another man, for himselfe and
his heires: A way appendant

either side, may be that which
we call real, as when a man
maketh a way through the
land of another man, for such
as dwell, or shall dwell in this
that house, or that be the owners
such a manor for ever.

Chiminage.

Chiminage, is a toll that is paid
for a mans passage thoro a
wood, to the disquiet of the wilde
beasts of the forest.

Chirographer.

Chirographer is he that in the
common Bench office, ingros-
ses fines acknowledged in that
court into a perpetuall Record,
so that they are acknowledged
and fully passed, by these Officers
whom they are first examined,
and that writeth and delibereth
the indentures, one for the buyer,
and another for him that selleth, &
maketh another indented pace
containing also the effect of the
fine, which he delivers over to the
Custos brevium, that is called the
back of the fine. The Chirogra-
pher also or his deputy, proclai-
ms all the fines in the Court es-
cay terme, according to the Sta-
tutes, and then repaunting to the
office of the Custos brevium,
reneweth the proclamations
on the backside of the foot there-
of, and alwayes keepeth the writ
Covenant, as also the note of
the fine.

Chivalry.

Chivalry is a tenure of land by
knights service, for the better

pel real, sicome quant home,
purchase un voy per le foile
d'un auter home, pur tiels que
inhabitont ou inhabiteront en
ceo ou cest meason, ou que
sont les owners de tiel manor a
touts jours.

Chiminage.

Chiminage, est un toll que est
done pur passage per un Fo-
rest en disturbance des feres del
Forest.

Chirographer.

Chirographer est celuy que
en le office del common
banke, engrosse fines conus en
cest Court en un perpetual Re-
cord, puis que ils sont conus &
pleinement passe, per ceux Of-
ficers per queux ils sont primer-
ment examine, & que escry &
deliver les Indentures, un pur
le purchasor, & auter pur le
vendor, & fait un auter escrow
indented, contenant auxy le
effect del fine que il deliver ou-
ster al *Custos brevium*, que est
appel le pee del fine. Le Chi-
rographer auxy ou son deputy
proclame tous les fines en le
court chescun terme accordant
al statute, & donques en alant
al office del *Custos brevium* la
endorce les proclamations sur
le dorse del pee de ceo, & tous
foirs retaine le Briefe de gove-
nat, come auxy le note del fine.

Chivalry.

Chivalry est un tenure de ter-
re p service de Chivaler, per
le

The Exposition of

le meux intelligence de que est distre con^o que la nest asc^e terre mes il est tenus mediatment ou immediatmt del Corone per asc^e service ou auf, & pur ceo, tous nostre Frãktenemts qⁱ sôt a nous & a nostre heires appel fees, cõe ensuãts de le benefit le Roy pur petit añual rê, & le pformance de tiels services que originalment fueront impose sur le terre al donation de ceo : Car sicome le Roy done a ses Nobles ses immediate tenants ground possessions a tous jours a tener de luy p^r celuy ou tiel rent & service, issint ils arere en temps divide oufter, a tiels que pleist a eux, lour fr̃es issint receive del bouiry le Roy pur rents & services come a eux semble bien: Et ceux services sôt tous p *Littleton* divide é deux sorts, Chivalry & Socage; l'un martial & military, l'auter rural & rustical. Chivalry, Pur ceo, est un tenure p^r qⁱ le tenant est lye a pformer ascun noble ou military office a sô Seignior, & est de deux sorts, ou Regal, cest a sôvoir, tiel qⁱ poit estre tenus solement del Roy, ou tiel que poit auxy estre ten^o d'un common person cibien cõe del Roy. Ceo qⁱ poit tener solement del Roy, est properment appel *servitium* ou sergeantia, & est auxy arere divide é Grãd & Petit Serjeanty: Grãd Serjeanty est ceo ou hõe tient terres del Roy p service que il devoir faire en sô pson demesne a luy. come a port le banfi le Roy, ou son lance, ou de amesner son hoast, ou destre son marshal,

understanding whercof it is knowne, that there is no land it is held mediately or immediately of the Crowne by some other, and therefore all freeholds that are to us and heires called fees, as proceeds from the benefit of the King some small yearly Rent, and performance of such services originally were imposed upon land at the giving thereof: As the King gave to his Nobles immediate tenants great portions for ever, to hold of the King such or such Rent or service, they again in time parcelled to such as pleased them, lands so received of the King by bounty, for rents and services to them seemed good: And these services are all by *Littleton* divided into two sorts, Chivalry & Socage; the one martial or military, the other cloven or rustical. Chivalry therefore is a Tenure whereby the Tenant is bound to performe some service of military Office to his Lord, and is of two kinds, either Regal, that is to say, such as may be held onely of the King, as may also be held of a common person as well as of the King. That which may hold onely of the King, is properly called *servitium* or sergeantia, and is again divided into Grand and Petit Serjeanty: Grand Serjeanty that where a man holdeth land of the King by service which he ought to do in his owne person unto him, as to carry the King's banner or his spear, or to

to be his Marshall, to blow a horn when he seeth his enemies invade the land, or to be an armed man to fight with the four seas, or to do it himself, or to carry the Kings sword from him at his Coronation, or that day to be his Sewer, Carver, Butler, or Chamberlaine.

Petit Serjeanty, is where a man holdeth land of the King to give unto him yearly a horse, or a sword, or a dagger, or a knife, or a pair, or a pair of globes of mail, or a pair of spurs of gold, or to do the such other small things concerning the war.

Chivalrie that may hold of a common person as well as of the King, is called Escuage, service of the heild, and this is either uncertaine or certaine. Escuage uncertaine is also of two kinds; first, where the tenant by his tenure is bound to follow his Lord going in person to the Kings warres against his enemies, either himself, or send a sufficient man in his place, there to be maintained at his costs so many dayes as was agreed upon betwene the Lord and his first tenant at the granting of the fee. And the dayes of such service seem to have been rated by the quantitie of the land so held: As if it extendeth to a whole Knights fee, then the tenant was bound so to attend his Lord 40. dayes; and a Knights fee was so much land as in those dayes was accounted a sufficient thing for a Knight, and this was 80. acres, by the opinion of some, or eight hundred, as others think,

on a ventier un cornu quant il vint ses enemies invade le terre, ou de trouver un home array de pugner deins le quater meres, ou de faire ceo luy m, ou de porter le espee le Roy devant luy a son Coronation, ou a cel jour destre son sewer, carver, butler ou chamberlaine.

Petit Serjeanty est ou un hœ tient fœ del Roy de rœder, a luy annualm un arke, ou un espee, ou un dagger, ou un cuttel, ou un launce, ou un paire de gants de ferre, ou un pair de spoors d ore, ou de rœd auts tiels petit choses touchant le guerre.

Chivalry que poit tener d'un cōmon pson cibien cœ del Roy, est appel escuage *servitiū scuti*, &c. est ou uncertaine ou certaine. Escuage uncertaine est auxy de deux sorts, primerment, ou le tenant p son tenure est lie d attainer son Seignieur alant en pson al guerres le Roy évers ses enemies, ou luy mœsme ou mitter un sufficient hœ en son lieu la destre maintaine a ses costs tants des jours, cœ fueront agree perenter le Signiour & son primer tenant al grantant del fee. Et les jours de tiel service, semble destre assésse per le quantity del terre issint tenus: cœ si ceo extend a un entier fee de Chivaler, donque le tenant fuit lie issint d attendre son Seignieur 40. jours; & un fee de Chivaler fuit tant de terre come en ceux jours fuit account un sufficiēt viver pur un Chivaler, & ceo fuit 680. acres, p l'opiniō de ascūs, ou 800. cœ auters sem-

blant, ou 15. liuers p l'an: *Cambdens Brittan. fol. 100.* Si le terre extende forsque al moitie dū fee de Chivaler, donque le tenant est lie dattender son Seignior, come est avārdit, mes xx. jours, si a un quart pr, donque x. jours *Fitz. N. B. fol. 83. c. & 84. c. c.* Lauter kind D'escuage uncertaine est appel Castle-gard, ou le Tenant per son fre est lie, ou per luy mesme, ou per ascun auter, a defender un castle si tost come avenia a son course.

Escuage certaine est ou le Tenant est assesse a un certaine summe d'arge destre payen lieu de tiel uncertaine service, come q un home payera aūalmt pur un fee de Chivaler, xx. s. pur le moity 10. s. ou ascun tiel rate. Et cest service, pur ceo que est trahe a un certaine Rent vient destre dun mixt nature, nient meurement Socage, car ne olet passé del carve, & uncore Socage en effect, esteant jammes neque personal service, neque uncertaine. Cest Tenure appelle Chivalry ad auters Conditions annexee a ceo, come Homage, Fealty, Cardship, Reliefe, & Marriage, *Bract. lib. 2. cap. 35.* & q ils signifie, veies en lour several lieux. Chivalry est ou general ou special, *Dyer fol. 161. plac. 47.* General semble destre ou est solement dit en le Feoffement q le Tenant tient per *Servitium militare*, sans ascun specification de Sergeanty, Escuage, &c. Special est ceo que ē declare particulierment per quel kind de service de Chivalry il tient.

or *fiftene pounds by the* *Cambdens Brittan. fol. 110.* the land extendeth but to the tie of a Knights fee, the Tenant is bound to follow Lord, as is aforesaid, but dayes, if a fourth part, then dayes, *Fitz. N. B. fol. 83. c. & 84. c.* The other kind of Escuage uncertaine is called Castle-guard, where the Tenant by his land bound either by himselfe or by other, to defend a Castle as it as it shall come to his turne.

Escuage certaine is whome Tenant is assessed to a certain summe of money to be paid stead of such uncertaine service as that a man shall pay for a Knights fee xx. s. for halfe x. s. or any such rate, for this service because it is due to a certaine rent, commeth of a mixt nature, not meurement Socage, for it smelleth nor of Plow, and yet Socage in the bring now neither personal service, nor uncertaine. This Tenure called Chivalrie hath conditions annexed therewith, Homage, Fealty, Wardship, Reliefe, and Marriage, *Bract. lib. 2. cap. 35.* And what they signify in their severall places. Chivalrie is either generall or special, *Dyer fol. 161. placito 47.* Generall seemeth to be when it is only said in the Feoffment, that the Tenant holdeth by Knights service. Without any specification of sergeantie, escuage, &c. Special is that which is declared particularly what kind of Knights service he holdeth by.

Things in Action.

Things in Action is when a man hath cause, or may bring an action for some duty due to him, as an Action of Debt upon Obligation, annuity, or Rent, Action of Covenant, or Ward, Trespasse of goods taken away, beating, or such like, and because that they are things whereof a man is not possessed, but for recovery of them is given to his Action, they are called things in Action. And those things in Action that are certain, the King may grant, and the grandes may use an Action for them in his owne name only. But a common person cannot grant his thing in Action, nor the King himselfe cannot grant his thing in Action, which is uncertain, as Trespasse, and suchlike.

Churchwardens.

Churchwardens are Officers yearly chosen by the consent of the Minister and the Parishioners, according to the customs of every severall place, to see to the Church, Churchyard, and such things as belong to both, and to make the behaviour of the Parishioners for such faults as appertain to the jurisdiction or censure of the Ecclesiasticall Court. They are a kinde of Corporation and are enabled by Law to sue for any thing belonging to their Church, or the Dow of the Parish. See Lambert his Book of the duty of Churchwardens.

Chose en Action.

Chose en Action est quant un home ad cause, ou poyt porter un Action p' al' duty due a luy, come un acc'de Dette sur un Obligation, Annuite, ou rent, Action de Covenant, ou Gard, Trespas des biens import, Battery, ou tiels semblables, & pur ceo que ils sont choses de queux un home nest possesse, mes pur recovery de eux est mis a son Action, ils sont appellees choses en Action. Et ceux choses en action que sont certaine, le Roy poit graunta, & le Grautee poit user un Action pur eux en son nosme demesne solemt. Mes un common person ne poit grant son chose en Action, ne Roy luy mesme ne poet grater s' chose e Action, quel est uncertain, coe Trespasse, & tiels semblables.

Gardians Desglise.

Gardians desglise sont Officiers annualmt elect p le conseil del Minister & les parochias, accordant al custome de chescu severall lieu, a vier al Eglise, Cemiter, & tiels choses queux appert al ambideux, & de observer le gesture des parochias, pur tiels crimes que appertaine al jurisdiction ou censure del Court Ecclesiastical. Ceux sont un kind de Corporation, & sont enable per Ley, de suer pur aucun chose apperteignant a lour Eglise, ou les Povers del Paroche. Vies Lambert son Lieure del durie des Gardians del Eglise.

Churcheslet.

CHURCHESLET est un parol de que Flet. l. i. c. 47. en le fine, issint esery: *Certam mensuram bladi tritici significat, quam quilibet olim Sancta Ecclesia die Sancti Martini tempore tam Britonū quam Anglorum contribuerunt. Plures tamen Magnates, post Romanorum adventum illam contributionem secundum veterem Legem Moyli, nomine primitiarum dabant, prout in breue Regis Kanuti ad summū Pontificem transmissio, continetur, in quo illam contributionem Chirchsed, appellant, quasi semen Ecclesia.*

Cinque Ports.

CINQUE Ports sōt certain Haven Villes, cinque en nôbre, cestascavoire, Hasting, Romney, Heth, Dover, & Sandwich, as queux ad este grāt long tēps passé mult liberties, (que auters port villes nont) & ceo primment en le temps del Roy *Edward* appel le Confessor, (que fuit devant le conquest) & fues encrease apres, & ceo especialment en les jours del troys *Edwards*, le prim, second, & le tierce, (apres le Conquest) come appiert in le liū d' *Domesday*, & auter vieux monuments, queux en cé liū ferront trope longe de recire,

Circuity de Aſſion.

CIRCUITY de Aſſio est quāt un Aſſion est droituralmēt port pur un dury, mes uncore circū

Churcheslet.

CHURCHESLET, is a word taken out of Flet. lib. i. ca. 47. in the first wordeth: It signifieth a certain measure of wheat corne, which times past every man on Sunday gave to Holy-Church, as was in the time of the Britons as of the English, yet many great persons after the coming of the Romans gave the Contribution, according to the ancient Law of *Moses*, in the name of first-fruits, as in the writ King *Kanutus* sent unto the Pope is contained; in which they call that Contribution *Chirchsed*, or one would say, Church-seed.

Cinque Ports.

CINQUE Ports be certain port townes five in number, that is to say, Hasting, Romney, Heth, Dover, and Sandwich, to which have been granted long time since, many liberties, (as other port townes have not) as that first in the time of King *Edward* called the Confessor, (who lived before the Conquest) and have been increased since, and chiefly in the times of the three *Edwards*, the first, the second, and third (since the Conquest) as appeareth in the Book of *Domesday*, and other old monuments, which in this wordeth should be long to recite.

Circuity de Aſſion.

CIRCUITY de Aſſion, is when an action is rightfully brought by a dnty but yet about the duty,

et were, for that it might as well have been otherwise answered and determined, and the suit saved, and because that the same action was more than nadvail, it is called Circuitry of action: As if a man grant a Rent-charge of x.l. out of his Manor of Dale, and after the Grantor disseiseth the Grantee of the same Manor of Dale, and he bringeth an Assise and recovereth the land and xx.li. damages, the which xx.li. being paid, the Grantee of the Rent sueth his Action for x.li. of his Rent due during the time of the Disseisin, which if no Disseisin had been, he must have had, this is called Circuitry of action, because it might have been more shortly answered, for whereas the Grantee shall receive xx.li. damages, and pay x.li. Rent, he might have received but the x.li. only for the damages, and the Grantee might have cut off and kept back the other x.li. in his hands, by way of detainer for his Rent, and so thereby might have saved his Action.

Circumstantibus.

Circumstantibus is a word of art, signifying the supply and making up of the number of Jurors, if any impanelled do not appear, or are challenged by either party, by adding to them as many others of them that are present and standers by. See 35. Henr. 8. cap. 6. & 5. Eliz. cap. 25.

le Bush, come semble, pur ceo, que ceo poet cybien estre auterment respondue & determine, & le suit save, & p ceo q mesme le Actio fuit pluis que besoigne, il est appel circuitry de Action. Come si un home grant un rent-charge d x.l. hors de son Manor de Dale, & apres le Grantee disseisist le Grantor de mesme le Manor de Dale, & il port un Assise, & recoit le terre & xx.li. damages, le quel xx.li. esteant pay, le Grantee del rent sue son action p x.li. de son rent due durant le temps de le disseisin, le quel si nul disseisin ad este, il doit auer ewe, Cest appel Circuitry de Action, p ceo q il poit au este pluis briefement respondue, car lou le Grantor doit receive xx.li. damages, & pay x.li. rent, il puit au receive forsque le x.li. seulement pur les damages, & le Grantee puit auer recoupe & retaine arere le auter x.li. en ses maines per voy de deteyner pur son rent, & issint per icel poet au saue son Action.

Circumstantibus.

Circumstantibus est un parol de art, expressant le supplie & addition del nombre de Jurors, si aucun impanel ne appearont pas, ou sont challenge per aucun party, per adding a eux cy plurs auters de eux que sont present & circumstantes, Vide 35. H. 8. cap. 6. & 5. Eliz. cap. 25.

City.

City est tiel Ville Coporate, q̄ ad un Evesque & un Eglise Cathedral; & de ceo tiels pōls sōt trove; Idem *Locus*, *Urbs*, *Civitas*, & *Oppidum* appellatur; *Civitas enim dicitur, quatenus cum Justitia & Magistratū ordine gubernatur*; *Oppidum, quatenus est ibi copia Incolarum*; & *Urbs, quatenus Maris debito modo cingitur*: *Proprie autē dicitur Civitas, que habet Episcopum*. Uncore Monsieur *Crompton*, en son *Jurisdiction*, ou il mention tous les Cities, omit Elye, nient obstant que ad un Evesque, & un Eglise Cathedral, & mita eins Westminster, nient obstant que jammes nad aucun Evesque. Et 35. *Eliz. ca. 6.* Westminster est appel un Citie: Et anno 27. *ejusd. cap. 3.* (de statutes nient imprimee) Westminster estequalment appel un City ou Borough. Il appiert per le Statute de 35. *H. 8. cap. 10.* que donques la fuit un Evesque de Westminster. *Cassaneus* escrie, Que France ad deins les Territoires de ceo 104. Cities, & il rend cest reason de ceo son dir, Pur ceo que la sont cy plusours Sees de Archevèques & Evesques.

Clack.

CLack, sicōe a clacker, forcer & bard Lane. 8. *H. 6. c. 21.* de q̄ le primer, viz. de clacker Lāe, est de scinder le marque des Barbits, q̄ fait ceo desre de meind poys, & issint de paier l'meind custōe

City.

City is such a tostone Coporate as hath a Bishop and a Cathedral Church; and heretofore words are found, The same place is called *Urbs*, *Civitas*, and *Oppidum*; It is called *Civitas*, in regard that it is governed in justice and order of Magistracy; *Oppidum*, for that there are therein plenty of Inhabitants; and because it is in due forme begun about with wals. But that place commonly called *Civitas*, which hath a Bishop. Yet *Master Crompton* in his *Jurisdiction*, when he reckoneth up all the Cities, hath our *Elle*, although it hath a Bishop and a Cathedral Church; and saith in Westminster, notwithstanding that now it hath no Bishop. And 35. *El. c. 6.* Westminster is called a City: and *An. 27. ejusd. cap. 3.* (of Statutes not printed) Westminster is alternatively called a City or Borough. It appeareth by the Statute of 35. *H. 8. c. 10.* that then there was a Bishop of Westminster. *Cassaneus* writeth, That France hath within the Territories thereof 104. Cities, and he giveth this reason of that his saying, because that there are so many Sees of Archbishops and Bishops.

Clack.

CLack, as to clack, force and bard Swoll, 8. *H. 6. cap. 21.* whereby the first, viz. to clack Swoll, was cut off the marks of the law, which maketh it to weigh less, and so to pay the lesse custom.

the King : to force Wool, is to
to the upper, and most hairy part
it : to bard or beard wool, is to
the head and neck from the o-
ther part of the fleece.

Claine.

Claine is a challenge by any
man of the propertie or owner-
ship of a thing which he hath not
possession, but is withholden
from him wrongfully, and the
party that so maketh this claine,
shall have thereby a great advan-
tage, for by it in some cases he may
recover descent of lands, and by
it in other cases he may save his
title, which otherwise should be
lost. As if a man be disseised, and
he disseise maketh continuall
claine, that is to say, if he claime
the lands whereof he is disseised,
within the yeare and day before
the death of the disseisor, then
he may enter notwithstanding
the descent. Also if a fine be levied
of another mans land, then he
that hath right thereunto, ought
to make his claine within five
yeares after the Proclamation
made, or certified, and this is
by the Statute of 4. H. 7. cap. 24.
But a stranger that hath no
right cannot of his owne head en-
ter, or make claims in the name
of him that hath right to recover
the fine within the five yeares,
without commandement prece-
dent, or assent subsequent : yet
guardian for education, or in So-
cage, may enter or make claine
in the name of the infant that hath
right to enter or make claine, and
this shall helpe the estate of the

al Roy : de forcer Lane, est de
clip p le ouster & puis crincous
pt de ceo : de bard ou beard
Lane, est de scinder le teste &
colle del auter part del toyson.

Claine.

Claine est un challenge per
ascun home, de le propertie
ou ownership de un chose que il
nad en possession, mes est de-
reigne de luy tortiousment, & le
party que iusint fait son claine,
prendra por ceo un grand ad-
vantage : car en ascun cases il
poyt per ceo avoyer un descent
de terres, & en ascun case il per
ceo savera son title, que auter-
ment serroit parde. Come si
home soit disseise, & le disseise
fait continuall claine, cest adire,
sil claime les terres dont il est
disseise, deins le an & jour de-
vaunt le mort le Disseisor, don-
que poit il enter, nient obstant
le descent. Auxy si fine soit le-
vie del terre a un auter home,
donque cestuy que ad droyt a
ceo, doit faire son claine deins
cinqe ans apres le Proclamati-
on ad, fait, ou certifie, & ceo est
per Lestature de 4. H. 7. cap. 24.
Mes un estrange que nul droit
ad ne poit de son teste demesne
enter, ou faire claine en le
nosme de cestuy que droit ad de
avoyer le Fine deins le cinqe
ans, sauns commandement pre-
cedent, ou assent subsequent :
uncore gardien pur nurture ou
en Socage, poit enter ou faire
claine en le nosme del enfant
que ad droit de enter ou faire
claine, & ceo aydera l'estate del
enfant,

The Exposition of

enfant, sans aucun commandement, ou assent, car la est privie entre eux.

Clergie.

Clergie est prise divers voyes, ascū foits pur tout le nombre de hōes de Religion; ascū foits pur un plee a un indistement, ou Appeale, & est define destre un auncient Libertie d' esglise, confirmee en divers Parliaments. Et est qst un hōe est arraigne d' Felony, ou tiels semblables, devant un temporal Judge, &c. & le prisoner pria son Clergie, cest adire, pur aver son lieur quel en auncient temps fuit autāt sicome il uist prie destre dismis del Tēporall Judge, & dēe deliver al Ordinarie de purger luy mesme de m' offence: Et dōques le Judge cōmandera le Ordinarie de trier sil poit lier cōe un Clerk en tiel lieur & lieu cōe le Judge assignera. Et si le Ordinarie certifie le Judge que il poit, donques le prisoner navera judgement de perdre son vie; Mes cest libertie de Clergie est restraine per les Statutes de 8.Eliz. cap.4. an.14. ejusdem, cap.5. an.18. ejusdem. cap.4.6.7. & 23. ejusdem. ca.2. & 29. ejusdem. cap.2. & 31. ejusdem. cap.12. & 39. ejusdem. cap.9. & 15. Vies *Cromptons Justice de Peace*, fo.102 &c. Et *Stamford lib.2. cap.41.* Et Statute de 18.Eliz. cap.7. per q̄ Clerkes ne sont destre deliver a lour Ordinaries destre purg' mes iāmes chescū hōe, coment nient deints orders, est mis a lier a bar esteār troue culpable & convict de tiel felony p̄ que cest benefit

infant, without commandment or assent, for there is privie between them.

Clergie.

Clergie is taken divers wayes sometimes for the whole number of Religious men; sometimes for a Plee to an Indictment, Appeals: And is defined to be auncient liberty of the Church confirmed in divers Parliaments. And it is when a man is arraigned of Felony, and such like, before a temporall Judge, &c. and the Prisoner prayeth his Clergie, that is to say, to have his Plee which in ancient time was much as if he desired to be delivered from the temporall Judge, and to be delivered to the Ordinary to purge himselfe of his offence: and then the Judge commandeth the Ordinary to certify he can read as a Clerke in a booke and place as the Judge shall appoint. And if the Ordinary certifie the Judge that he can, the prisoner shall not have benefit of the Clergie in restraint of his life. Stat. of 8.Eliz. ca.4. an.14. & 4.6.7. & 23. ejusdem. ca.2. & 29. & 31. ejusdem. ca.12. & 39. ejusdem. & 15. See *Crompt. Justice of Peace* fol.102. &c. And *Stamford lib.2. cap.41.* And the Statute of 18.Eliz. cap.7. by which Clerkes are not to be delivered to their Ordinaries to be purged, but now they may though not within orders, to read at the barre being found guilty, and convicted of such felony for which this benefit is granted.

... & so burned in the hand,
... the first time, if the
... Commissary, or De-
... laith, He readeth as a Clerk,
... he suffereth death for
... transgression.

Clerke.

Clerke hath two significations,
... one as it is the title of him that
... alongth to the holy Ministrie
... the Church, that is in these
... either Minister or Deacon
... what other degree or dignitie
... although that in ancient
... not onely Sacerdotes & Dia-
... but also Subdiaconi, cantores,
... acoluthi, Exorciste, and Ostiarii,
... within this account, as they
... at this day where the Canon
... hath full power: And in
... this signification a Clerke is ei-
... ther religious (otherwise called
... regular) or secular, 4.H.4. cap. 12.

The other signification of this
... word, noteth such as by their fun-
... tion or course of life, use their pen
... in any Court or otherwise, as
... the Clerke of the Rolles
... of the Parliament, Clerks of the
... Chancery, and such like.

Clerke attaint.

Clerk attaint is he, which pray-
... eth his Clergie after judge-
... ment given upon him of the felo-
... nie, and hath his Clergie allowe-
... d, such a Clerke might not make
... his purgation.

Clerke convict.

Clerke convict is he, which
... prayeth his Clergie before
... judgement given upon him of the

est uncore grant & issint arse en
le maine, & enlarge pur le pri-
mer temps, si le Commissarie ou
Deputie del Ordinary dit, *Legit
ut Clericus*, ou autrement il
souffre mort pur son peche.

Clerke.

Clerke ad deux significations;
un cœ est le tiele de celuy q
appertinent al sanct Ministrie
del Esglise, cestascavoir, en ceux
jours, ou Minister ou Deacon de
quecunque auter degre ou dig-
nitie nient, obstant q en pristine
temps non solemt *Sacerdotes*, &
Diaconi, mes auxy *Subdiaconi*,
Cantores, *Acoluthi*, *Exorcista*, &
Ostarii, fuerôt deins cest accoit,
sicome ils sont a cest jour ou le
ley Cannô ad pleine poiar: Et en
cest signifiatiô un Clerke est ou
religious (aufmt appel regular)
ou secular, 4.H.4. cap. 12.

L'auter signification de cest
parol, denote tiels que pur leur
function ou courle de vie, usont
leur plume en ascû Court ou au-
termnt, come nosimernt le Clerke
des rotules del pliaint, Clerkes
del Châcerie, & tiels semblables.

Clerke attaint.

Clerke attaint est celuy, que
pria son Clergie apres judge-
ment sur luy done de Felony, &
ad son Clergie allow, tiel Clerk
ne poit faire son purgation.

Clerke convict.

Clerke convict est celuy, que
pria sô Clergie devât judge-
ment done sur luy de le Felony,
&

The Exposition of

& ad le Clergie a luy grant, tiel Clerke puit faire son purgation. Nota que cel purgation fuit fait, quant il fuit dismissé al Ordinarie, la destre trie del enquest del Clerkes: Et que ceo ore per le Stat. 18. *Elizab. cap. 7.* nul tiel est mis al Ordinarie.

Cloth.

Cloth ou Clossé est un illoyall game prohibé p l' statute fait en l'an 17. *E. 4. cap. 3.* Et est inhibé auxy per le statute de 33. *H. 8. cap. 9.* Mes icy est plus proprement appellé *Clash*; car est le mitter dū boule as neuf espingles de boys, ou neuse shank bōes d'un beefe ou chivall, & est ore usuellement appellé *Kailes* ou *Kiles*, del Greeke parol *κῆλος*, id est, *Jaculum*, *propter similitudinem quam habent cum Jaculo.*

Coadjutor.

Coadjutor al disseisin est ce-luy, que oue auter disseise un de son Franktenement, al use del auter, & il serra punie come un disseisor, mes il nest tiel disseisor q̄ gaine, &c. q̄ gaine le Franktenement, mes le Franktenement vest & est tout en celuy, a que use le disseisin fuist commit, come appiert en *Littleton lib. 3. cap. 3.* de Jointenants.

Cocket.

Cocket est un seale q̄ appartenit al Custome-house, le Roy & signifie auxy un escrowle del parchment seale & deliver p les officers del Custome-house

felonie, and hath his Clerke him granted, such a Clerke hath his purgation. Note that this purgation was made, when he was dismissed to the Ordinary there to be tryed of the error of Clerkes: And therefore by the Stat. of 18. *Eliz. cap. 7.* such is put to the Ordinary.

Cloth.

Cloth is an unlawfull game bidden by the Statute made in the 17. yeare of *E. 4. cap. 3.* It is inhibited also by the Statute of 33. *H. 8. ca. 9.* But there is no properly call'd *Clash*; for it is throwing of a Boule at nine of wood, or nine shanke bones an Ore or Horse, and it is ordinarily call'd *Kailes* or *Kiles*, the Greeke word *κῆλος*, id est, *Jaculum*, a dart, for that they like a dart.

Coadjutor.

Coadjutor to the disseisin is which with another disseiseth one of his freehold, to the use of other: and he shall be punished as a disseisor, but he is not such a disseisor, which gaineth the freehold, but the freehold disseisin is all in him to whose use the disseisin was committed, as it appeareth in *Littleton lib. 3. cap. 3.* of Jointenants.

Cocket.

Cocket is a seale pertaining to the Kings Custome-house, signifies also a scrowle of payment, sealed and delivered by Officers of the Custome-house.

Merchants, as a warrant that
the merchandize are custumed :
the word is used in the old Sta-
tutes now expired, of 14.E.3.Stat.
cap.21. & 11. H.6.cap.16.

Coyne.

Coyne is a word collectiv, which containeth in it all manner of the feberall stamps and postures of money. And this is one of the royall Prerogatives belonging to every Prince, that he alone in his owne Dominions may order and dispose the qualite and fashion of his coynes. And although that this is the use of all traffique and commerce; yet the coyne of one King is not current in the Realmes of another King, commonly, unlesse at great losse.

If a man bindeth himselfe to pay an hundred pounds of lawfull money of England to another, and at the day of payment some of the money chance to bee Spanish coyne or French coyne, where the Obligation is well performed, for both the one and the other are by Proclamation made current & lawfull money of England: And the King by his absolute Prerogative, may make any Lawfull Coyne lawfull money of England at his pleasure by his Proclamation: In case where a man is to pay rent to his Lessor upon condition of re-entry, and the Lessor payeth the rent to the Lessor, and he receiveth it, and puts it in his purse, & afterwards upon review at the same time, he findeth amongst the money that

as Merchants, come un garrant
q leur Merchandizes sont cu-
stomes : cest parol est use en les
veux stat. ore expires, faits 14.E.
3.Stat.1.cap.21. & 11.H.6.c.16.

Coigne.

Coigne est un parol collectiv, q containe en ceo tous man-
ners del severall stamps & por-
traitures de numme. Et ceo est
un des royax Prerogatives ap-
pendant a chescun Prince, que il
solement en ses terres demesne
poit order & dispose le qualite,
quantity, & fashions de son
coigne. Et comment que ceo est
le nerve de tout merchandise &
commerce, uncore le coigne d'un
Roy nest current en l's roialmes
d'un auter Roy, communement,
sinon al grand perde.

Si home oblige luy mesme
de render cent lieurs de loyal
Coigne Dengleterre, a un
auter, & al jour de payment
ascun d'argent happa destre
Coigne Despaigne ou de Fran-
cois, ore l'obligation est bien
performe, car & l'un & l'auter
per proclamation sont faits cur-
rant & loyal mony Dengleterre:
Et le Roy per son absolute Pre-
rogative poit faire ascun for-
reigne Coigne, loyal Coygne
Dengleterre a son pleasure per
sō Proclamation: En case ou hōe
est de pay rent a son Lessor sur
conditiō de re-entree, & le Lessor
pay a le rent a son Lessor, & il
ceo receive & mitra ceo en son
burse, & puis in reviewing d ceo
a mesme le temps, il trova enter
les deniers q il ad receive ascun
counterfeit

The Exposition of

counterfeit peeces, & sur ceo il refuse demporter les deniers mes re-enter pur le condition enfreint, ore son enure nest loyal, car quaut il an except les deniers, ceo fuit a son peril, & puis cest allowance, il ne prendra exception al ascun de eux,

Codicill.

Codicill est le volunt ou testament dun home touchant ceo q il voit aver dee fait apres son mort sans le nomination dascun Executor. Ou autermét il est un addition ou supplement adde al un volunt ou testament apres le finier de ceo, pur le supply dascú chose que le testator ad oblie; ou pur ayder ascun defect en le testament. De ceo poyes lier plus en *Swineborne* des volunts & testaments parte. 1. §. 5. num. 2. 3. & 6.

Collaterall.

Collaterall est ceo, que vient cins ou adhere al lattré dun chose, cõe Collaterall assurance, est ceo que est fait ouster & preter le fait mesme: Pur exemple, si home covenant oue un auter, & luy oblige p le performance de son covenant, l'obligation est appel Collateral assurance, pur ceo q est externall & sans le nature & essence del covenant. Et *Crompton fol. 185.* dit, que destre subject al depasturing des Dames le Roy, est collaterall al soyle deines le Forest. Et mesme le manner poyus nous le diser, que libertie a

he hath received some counterfeited peeces, and he hereupon takes to take away the money. he enters for the condition broken there his entrie is not lawful for when he hath accepted money, this was at his peril, after this allowance he shall take exception to any of it.

Codicill.

Codicill is the Will or Testament of a man concerning which he would have done at his death without the appointment of an Executor. Or it is an addition or supplement added to a Will or Testament after the finishing of it, for the supply of some thing which the Testator had forgotten, or to help in defect in the Will. Of this you may read more in *Swineborne Wills and Testaments*, Parte. 1. §. 5. num. 2. 3. &c.

Collaterall.

Collaterall is that which cometh in, or adhereth to the substance of any thing, as Collateral assurance is that which is made before and beside the Debt it is for example, if a man covenant with another, and entereth into for the performance of his covenant, the bond is called collateral assurance, because that it is externall, and without the nature and essence of the covenants. *Crompton fol. 185.* saith, That he is subject to feeding of the King's Deer is Collateral to the law within the Forest. In the same manner we may say that the liberty

to pitch sheeds or standings for
fares in the soile of another man,
Collateral to the land. The
these woods of a common per-
son cannot be cut downe without
the Kings licence, for it is a pre-
rogative collateral to the soyle,
Manw. Part. 1. pag. 66. Collateral
Garrantie, Vide Title Warrantie.

pitcher sheeds ou stalles pur un
Faire en le soile d'un auter hœ,
est collateral al terre. Le privat
bois d'un common person deins
le Forest ne poit estre suecide
s'as le licence del Roy, car il é un
prerogative Collateral al soile.
Manw. Part. 1. pag. 66. Collateral
Garrantie, Vide Tit. Garrantie.

Collation.

Collation is properly the be-
stowing of a Benefice by the
Bishop, that hath it in his owne
right of patronage, and differeth
from institution in this, for that
institution into a Benefice is per-
formed by the Bishop at the mo-
tion and presentation of another,
who is patron of the same Church:
but the patrons right for that
is; yet Collation is used for
presentation in 25. E. 3. Stat. 6.
And there is a writ in the Regist.
1. b. called de Collatione facta uni
post mortem alterius, &c. directed
by the Justices of the Common
Bench, commanding them to di-
rect their writ to the Bishop for
the admitting of a Clerke in the
place of another presented by the
King, who during the last be-
tweene the King and the Bishops
Clerke deceased, for judgement
once passed for the Kings Clerke,
and he dying before he be admit-
ted, the King may give his pre-
sentation to another.

Colour.

Colour is a fained matter, which
the defendant or tenant useth
in his barre, when an action of
treaspasse or an Issue is brought

Collation.

Collation est propriè le do-
natio d'un benefice per Le-
vesque, & ceo ad en son done ou
patronage demesne, & differt de
institution en ceo, pur ceo que
institution en un benefice est
performe per Levesque al mori-
on & presentation d'un auter, &
est patron de mesme Eglise, ou
ad le droit del patron pro hac
vice; uncore Collation est use
pur presentation en 25. Edw. 3.
Stat. 6. Et la est un Brieft en le
Register 31. b. appel De Collati-
one facta uni post mortē alterius,
&c. direct al Justices del com-
mon Banke, eux commandant a
directer leur bre al evesque pur
l'admittance d'un Clerke en le
lieu d'un auter present p le Roy,
que durant le suit parenter le
Roy & le Clerke del evesque
morust, car judgement un fois
passé p le Clerke le Roy, & il
morant devant que il soit admit
le Roy poit don son presentati-
on al un auter.

Colour.

Colour est un fained matter
le quel le defendant ou te-
nant use en son barre, quant un
action de trespasé ou un Assise
est

est port enuers luy, en le quel il done le demandaunt ou plain- tise un shewe prima facie, que il ad bone cause de action, lou en veritie il nest just cause, mes tantolemeint un colour & visour d'un cause: Et il est use al entet que le determination del action doit este per les Judges, & nemy per un ignorant Jurie de douze homes: Et pur ceo un co- lour doit este un matter en ley, ou difficult al lay gents: come pur exemple; A. port un Assise de terre enuers B. & B. dit que il mesme lessa mesme le terre al un C. pur terme de vie, & apres graunt le reversion al A. le de- mandant & puis C. le tenant pur terme de vie morust, apres que decease A. le demandant clai- mant le reversion per force del graunt (ou C. le tenant pur vie, ne unques attyrne) entra, sur que B. entra, enuers que A. pur mesme entre, port cest Assise, &c. Cest un bone co- lour, pur ceo que les lay gen- tes pensant que le terre voyle passe per le graunt sans Attur- nement, lou en fait il ne voyle passe, &c.

Auxy en un Action de Tres- passe, colour doit este done, & de eux sont un enfinite number, un pur exemple: En un Action de Trespasse pur prise de avers del Plaintife, le Defendant dit, Que devaunt le Plaintife riens avoit en eux, il mesme fuit possesse de eux come de les proper biens, & eux deliver al A. B. pur eux re- bailer a luy quando, &c. & A. B. eux dona al Plaintife, & le

against him, in which the demandant of plaintiff at the first sight, that the good cause of action, but it is no just cause, but a colour and face of a cause is used to the intent, that the termination of the action should be by the Judges, and not by an ignorant Jurie of twelve men: therefore a colour ought to be a matter in law, or doubtful to the common people: as for example, A. bringeth an assise against B. and B. saith that himselfe did let the same land one C. for terme of life, and afterwards did grant the reversion to A. the demandant, and after C. the tenant for terme of life dyed, whose decease, A. the demandant claiming the reversion by force of the grant (whereunto C. the tenant for life, did never attorne) entered, upon whom B. entered, against whom A. for that he brings this Assise, &c. This is a good colour, because the common people thinks that the land should pass by the grant without attornment, where indeed it should not pass, &c.

Also in an Action of Trespasse colour must be given, and of these are an infinite number, one for example: In an Action of Trespasse for taking away the Plaintiff's beasts, the Def. saith, that before the Plaintiff had any thing of them, hee himselfe was possesse of them as of his proper goods, and delivered them to A. B. and delivered them to him againe, &c. and A. B. gave them unto

and the Pl. supposing the
partie to be in D. B. at the
of the gift toke them, and
Defen. toke them from the
plaintiff, whereupon the Pl.
maketh an action, that is a good
and a good Plea. See mores
in the Dialogues between
Doct. and Stud. lib. 2. cap. 13.

Colour of Office.

Colour of Office is alwayes tak-
en in the worst part, and sig-
nifies an act evill done by the
ministers of an Office, and it
is a dissembling face of the
office, whereas the office is
a vice in the fallshood, and the
act is grounded upon vice, and
the office is as a shadow to it.
By reason of the Office, and
by virtue of the office, are taken
away in the best part, and
where the office is the just cause of
the thing, and the thing is pursu-
ant to the office. Plowd. fo. 64. a.

Collusion.

Collusion is where an Action is
brought against another by
their own agreement, if the Plai-
ntiff recover, then such recovery is
void by Collusion, and in some
cases the Collusion shall be en-
quired of, as in Quare impedit,
in Wills, and such like, which
are corporations or body politick
brought against another, to the
end to have the Land or ad-
vowson, whereof the Writ is
brought into Wexham. But in
other, not in any Action per-
sonall the Collusion shall not be
enquired. See the Stat. of West.

Plaintiff supposent le property
destre en A. B. al temps del don
prist eux, & le Defendant eux
reprist del Plaintiff, sur que le
Plaintiff port l'action, cest un
bone colour, & un bone Plea.
Veies de ceo pluis en les Dialo-
gues ent le Doctor & Student,
lib. 2. cap. 13.

Colour de Office.

Colour de Office est tous dits
prist en malam partem, &
signifie un act malemeint fait
per le countenance de un Of-
fice, & il port un dissimulant
visage del droit Office, lou le
Office nest q vaile del fauxtie,
& le chose est ground sur vice &
le Office est come un shadow al
ceo. Mes rationo officii, & vir-
tute officii sont prises tous foits
in bonam partem, & lou le office
est l'just cause del chose, & le
chose est pursuant al office. Pl.
en *Dive & Man. case*, fo. 64. a.

Collusion.

Collusion est lou un Action
est port vers un aut per son
agreement demesne, si le Plai-
ntiff recover, tiel recoverie est
dit p collusion, & en ascun cas
le Collusion serra enquire, come
en un *Quare impedit*, & *Assise*,
& tiels semblables, queux ascu
Corporation ou Corps politique
port enuers auter al entent de
aver le terre ou advowson, dont
le Brieie est port en Mortmaine.
Mes en Avowrie, ne en ascun
Action personall, le Collusion
ne serra enquire. Veies le statut
de *Westm 2. cap. 32.* que done le

The Exposition of

*Quale jus & enquire en tiel
cale.*

2. cap. 32. Which giveth the
jus, and enquire in such

Commaundrie.

Commaundrie, fuit le noſm
dun Mannour ou chiefe Meſ-
ſuage, oue que Terres ou Tene-
ments fueront occupies per-
teignant al Priorie de Saint
Johans de Jeruſalem en Engle-
terre, tanque fueront done al
Roy *Henrie* le huit, per Statute
fait en l'an. 32. de ſon raigh: Et
ceſty que avoyt le governemēt de
aſcun tiel Mānour ou Meſſuage,
fuit appelle le Commaunder, q̄
navoit rien a faire ou diſpoſer de
ceo forſque al uſe del Priorie, &
daver ſplemēt ſō ſuſtenāce d̄ ceo,
ſolong; ſō degree q̄ fuit uſualmēt
un frere de meſme le Priorie, q̄
euſt eſtre fait Chivaler en les
Guerres encounter Infidels, &
fuorōt iades appel Knights de le
Rhodes, ou Knights de Malta,
del lieux lou lour graund Ma-
ſter del dit Order enhabite.
Veies le dit Statute, & le ſtatute
entituled, *De Templariis*, le de-
cay des queux fuit grand en-
creaſe de cel Order, & pluſors
de ceux Commandries ſont en le
pais noſmes Le Temple.

Commandement.

Commandement eſt priſe per
diverſe ſignifications, aſcun
foits pur le Commandement le
Roy, quant p ſon mere motion,
& de ſō bouche demefne il jette
aſcun home en priſon, *ſtam. Pl.*
Cor. fo. 72. ou des Juſtices: Et
ceo commandement des Juſtices
eſt ou abſolute ou ordinarie:

Commaundrie.

Commaundrie was the
a Mannor or chief
age, with which lands or
ments were occupied belong-
to the late Priorie of Saint
of Hieruſalem, in England,
till they were given to King
by Statute made in the 32.
his Reigns: And he who
the government of any ſuch
nor or houſe, was called the
mander, which had no
due to diſpoſe of it, but to
of the Priorie, and to have
his ſuſtenance of it accord-
his degree, which was the
Brother of the ſame Order
which had beene made King
the warres againſt Indes,
were lately called Knights
Rhodes, or Knights of
of the place where they
Maſter of the ſaid Order
dwell. See the ſaid Statute
the old Statute intituled, *De*
plariis, whoſe decay was
increase of this Order, and
of theſe Commandries are
in the Countrey by the name
Temples.

Commandement.

Commandement is taken
diverſe ſignifications, ſometimes
for the commandement of the
King by his mere motion,
when by his mere motion,
from his owne mouth he com-
any man into priſon, *ſtam. Pl.*
cit. Cor. fo. 72. or of the Juſtices
and this commandement of
Juſtices is either abſolute or

Absolute: absolute, as when upon
their own authoritie, or their
owne and discretion, they com-
mit any man to prison for a pu-
nishment: **Ordinary** is when they
commit one rather to be safely
kept than for punishment, and a
commandment by such ordinarie
commandment is baylable, *Pla-*
ce. 10. 73. **Commandment**
is either used for the offence of
one that willett another man to
break the Law, or to doe a-
ny thing as is contrary to
the Law, as **Murder**, **Theft**, or
the like, *Bract. lib. 3. Tract. 2.*
The Civilians call this
commandment, *Angelus de ma-*

Absolute, sicome quant sur leur
authoritie demesne en leur sapi-
ence & prudence ils commitront
ascun home a prison pur un pu-
nishment: **Ordinarie** est quant
ils commitront un pluis destre
safement gard, que pur punish-
ment, & home commit per tiel
ordinaire commandment est main-
pernable, *Pl. co. fo. 73.* **Com-**
mandment est use arec pur l'offe-
ce de celuy q command auter home
de transgresser le Ley, ou d faire
ascu tiel chose que en encounter
le Ley, come **Murder**, **Larcenie**,
ou tiels semblables, *Bract. lib. 3.*
Tract. 2. c. 19. Les Civilians ap-
pel cest commandement, *Angelus*
de maleficiis.

Commendam.

Commendam is a Benefice that
being voyde is commended to
the care of some sufficient Clerke,
to be supplied untill it may be
lawfully provided of a Pa-
stour: And the true originall of
Commendams was either e-
ither profit or necessitie, and he
whom the Church to commen-
d, had the fruite and profits
of the benefice for a certaine time,
the nature of the Church is
changed thereby, but is as a
thing deposited in the hands of
one to whom it is commended,
he hath nothing but the cur-
rent thereof, which may be re-

Commendam.

Commendam est un Benefice
que esteant void, est comméd
al care d'ascun sufficient Clerke
destre supplie jesque il poit estre
conveniment provide d'un Pa-
stour: Et le voyer original de
ceux *Commendams* fuit ou pur
cause d'evident utilitie ou ne-
cessitie, & cestuy a que Lesglise
est commend, ad les fruits &
profits de ceo solemt p un cer-
taine temps, & le nature del
Esglise nest alter per ceo, mes est
sicome un chose deposite en les
maines de cestuy a que il est
commend, & il nad forsque le
custody de ceo, que poit estre
revoke.

Commissarie.

Commissarie is a Title of Ec-
clesiasticall Jurisdiction, ap-
pointing to him that exerciseth
ecclesiasticall jurisdiction in places of
Distant to farre distant from

Commissarie.

Commissarie est un nomme de
Ecclesiasticall jurisdiction ap-
perteynant a cestuy que exer-
cise jurisdiction Espiritual en
liens del Diocesse de cy grand
distance

The Exposition of

distance del principal Citie, que le Chancellour ne poit appeller les Subjects al chiefe Consistorie del Euesq; sauns leur grand molestation: Cest Commissarie est appell' per les Canonists, *Commissarius*, ou *Officialis Foraneus*, & est ordeigne a cel special fine que il executera le office & jurisdiction del Euesque en les Boundaries del Diocesse, ou en tiels paroches que sont peculiars al Euesque, & exempts del Jurisdiction del Archdeaco; Car ou per prescription, ou per composition, la sount Archdeacons que ont jurisdiction en leur Archidiaconries, sicome en plusours liens ils ont, la cest Commissarie est superfluous, & pluis al detriment que al bn des Gents.

Commission.

Commission est tant en le Common Ley, come le parol *Delegate* est oue les Civilians, & est prise pur le Garrant ou Letters Patents que tous homes ayant Jurisdiction ou ordinarie ou extraordinaire, ont pur leur poyer de oyer ou terminer ascun cause ou action. Uncore cest parol ascun foits extend pluis largement q al choses de Judicature, sicome le Commission de Purveyours ou Prisors, 11. H. 4. ca. 28. Mes oue cest Epitheton *Altr*, il est pluis communement use pur le tres honorable Commission Court, institute & foundue sur le statute de 1. E. 12. cap. 1. pur l'ordinance & reformation de tous offences en ascun chose appartenant al Jurisdiction

the chiefe Citie, that the Chancellour cannot call the Subjects the Bishops principall Consistory without their great mole: this Commissarie is by the Canonists, *Commissarius* or *Officialis Foraneus*, and is ordained to this special end, he should supply the Office Jurisdiction of the Bishop, in out-places of the Diocese, in such Parishes as are Peculiar to the Bishop, and exempted from the Arch-deacons Jurisdiction: For where by prescription or composition, there are Archdeacons who have Jurisdiction in their Arch-deaconries, as in such places they have, there this Commissarie is superfluous, and rather to the hurt than good of the People.

Commission.

Commission is as much in Common Law, as the *Delegate* is with the Canonists, and is taken for the Letters Patents which all having Jurisdiction, either ordinarie or extraordinary, have in their power to heare or determine any matter or Action. Yet this word sometimes extended more largely, than to matters of Judicature, as the Commission of Purveyours or Takers, 11. H. 4. cap. 28. But with this Epitheton *Altr* it is most commonly used for the Honourable Commission Court instituted and founded upon the statute of 1. Eliz. cap. 1. for mending and reforming of all offences in any thing appertaining to the Jurisdiction Ecclesiastical.

Especially such as are of high nature, or at least require greater punishment than the ordinarie punishment can afford: for the which being growne to such losse as not to effeme of the sentence of Excommunication, neither requireth those Censures to be sent to the Prince, and Imprisonment, the which doe affect every man more nearly.

Commission of Rebellion.

Commission of Rebellion, otherwise called, A Writ of Rebellion, and it is used when a man hath proclaimed made by the Prince, upon an Order of the Chamber or Court of Star-Chamber, under penaltie of his allegiance, to present himselfe to the Court by a day certaine, appearing not. And this Commission is directed by way of command, to certaine persons, to the which they, or thys, two, or three of thym, shall apprehend, or shall cause to be apprehended the same, as a Rebell and Contemner of the Kings Lawes, in what cause soever they shall finde him within the Kingdome, and bring him, or cause him to be brought to the Court upon a day therein assigned.

Committee.

Committee is he to whom the consideration or ordering of a matter is referred either by the Court, or consent of the parties to whom it appertaines: as when the Parliament, a Bill being read, is either consented unto, and passed, or denied or referred to the

Ecclesiasticall, mes especialmēt tiels que sōt de plus alt nature, ou al meines requir plus grand punisshmt q ordinarie jurisdiction poir affoord: car lemeide esteant devenus al tiel remissionelle, sicde ne de steemer pas le sentence de Excommunication, necessitie impel ceux censures de Fines al Prince, & Imprisoñmt, l's q's plus pecheine affectont chescū home.

Commission de Rebellion.

Commission de Rebellion, autrement appel un briete de Rebelliō, & ceo est use quant un home apres pclamation fait per le Viscount, sur un Order del Chancerie, ou Court de Star-Chamber, south penalty de son allegiance a present luy m al Court per un jour certaine, ne appiert pas. Et cest Commission est direct p voy d command, al certaine persons, au fine que ils, ou troys, deux, ou un de eux, apprehendont ou causont destre apprehend le partie, come un Rebell & Contemner des Leyes le Roy, en quelcunque lieu que ils luy troveront deins le Roy-alme, & de present luy, ou luy cause destre present al Court sur un jour en ceo assigne.

Committee.

Committee est cestuy a que le consideration ou ordinance dascun chose est refer, ou per ascun Court, ou consent des parties a que il appartient: si come en Parlemēt un Bill esteant lye, est ou admit & pas, ou denie, ou refer al consideration dascun

The Exposition of

chascun cerreyne homes appoint per le Meason, les queux sur ceo sont appellees Committees. Mes cest parol est autrement use per *Kitch. fol. 160.* ou le Relict del Tenant le Roy est appelle le Comitée le Roy, cestalcavoire, un commise per le auncient Ley del Terre, al care & protection le Roy.

Common Ley.

Common Ley est pur le plus part prise 3. voyes: Primermt, pur les Leyes de cest Realme simply, sans ascun auē Ley, come Customarie Ley, Civil Ley, Spiritual Ley, ou quecunque auter Ley joyne a ceo, come quant est dispute en nostre Leyes Dégleterre, quid doit de droit este determine p le Common Ley, & quid per Spiritual Ley, ou le Court del Admiral, ou tielx semblables.

Secundarimt, il est pris pur les Courts de Roy, come le Banke le Roy, ou Cōmon Place, tant seulement pur monstf un difference perē eux & les base Courts, cōe Customary Courts, Court Barōs, Countie Courts, Pypowders, & tielx semblables: cōe quant un plee de terre est remove hors de anciēt demesne, pur ceo q le terr est Franke-fee, & pleadable al Common Ley, cest adire, en le Court le Roy, & nemy en anciēt demesne, ou ē ascū auē base Court.

Tiercement, & plus usualmt per le Common Ley est entendue tielx Leyes que fueront generalmt prise & tenus pur Ley, devant q ascun estatute fuit fait

consideration of some certain appointed by the King. Whereupon are called Committees. But this word is otherwise used by *Kitch. fol. 160.* where the word of the Kings tenant is the Committee of the King, is, one committed by the King of the Land, to the care and protection.

Common Ley.

Common Ley is for the part taken 3. wayes: for the Lawes of this Realm simply, without any other Customary Law, Civil Law, Spiritual Law, or where else Law joyned unto it, as it is disputed in our Lawes in England, what ought to be determined by the Common Law and what by the Special Law, or Admiralls Law, or such like.

Secondly, it is taken in the Kings Courts; as the Bench, or Common Place, to shew a difference between them & the base Courts, Customary Courts, Court Barons, Countie Courts, Pypowders, such like: as when a plea is removed out of ancient demesne because the land is frankpledgeable at the Common Law, that is to say, in the King's Court and not in ancient demesne, or any other base Court.

Thirdly, and most usually the Common Law is taken for such Lawes as were taken and holden for Law before any Statute was made.

...: as for example, Ten-
ant for life, nor for years, were
to be punished for doing waste
at the Common Law, till the
statute of Gloucester, cap. 5. was
made, which doth give an action
against them. But Ten-
ant by the Curtesie, and Ten-
ant in Dower, were punishable
at the Common Law,
as to say, by the usual and
common received Lawes of the
Realm before the said Statute of
Gloucester was made.

Common.

Common is the right that a man
hath to put his beasts to Pa-
sture, or to use and occupy the
land that is not his owne.

And note, that there be divers
Commons, that is to say, Com-
mon in Grosse, Common Appen-
dant, Common Appurtenant,
& Common because of neig-
bourhood.

Common in Grosse, is where
by my deed grant to another
he shall have common in my

Common Appendant, is where
one is seised of certaine land,
the which he hath Common
in another ground and all they
that shall be seised of the land,
shall have the said Common onely for
the beasts which compass the
land in which it is appendant, ex-
cept Oxen, Goats, & Hoggens.

And alwayes that Common is
of prescription, and of common
it is appendant to cyra-
le land onely, and not to any
other land, or house.

pur alter ceo: come pur exam-
ple, Tenant pur vie, ne pur ans,
ne fueront destre punish pur se-
sans Waste al Common Ley,
tanque l'estatute de Gloucester.
cap. 5. fuit fait, le quel done
un Action de Waste enuers eux.
Mes Tenant per le Curtesie,
& Tenent en Dower, fueront
punishable pur Waste al Com-
mon Ley, cest adire, per le usu-
al & common received Leyes le
Realm, devant le dit Statute de
Gloucester fuit fait.

Common.

Common est le droit q̄ hōe ad
de mitter ses beasts a Pasture,
ou de user & occuper le terre
que nest son proper soile.

Et nota, que sont divers
Commons, cest adire Common
en Grosse, Common Appen-
dant, Common Appurtenant,
& Common per cause de vi-
cinage.

Common en Grosse, est lou
jeo per mon fait grant a un au-
ter, que il aver common en ma
terre.

Common Appendant, est lou
home est seise de certeine terre,
a q̄ il ad cōmon en auter soile,
& tous ceux que serront seises
del dit terre averont le dit com-
mon soleint per ceux beasts que
compast la terre a que il est ap-
pendant, except Oylons, Chiūs,
& Porceaux.

Et tous jours, cest common est
per prescription, & de common
droit, & il est appendant al terre
arable soleint, & nemy al auter
terre ou meason.

The Exposition of

Common Appurtenant est en mesme le manner cōe Common Appendant. Mes est ovesq; tous manners des Avers, cibien Proceaux, Chivers, & tiel semblable, come Chivals, Vaches, Boefs, Barbits, & tiels que compaster le terre. Et tiel common poit ēe fait a cē jour, & poit este sever del terē a q̄ il est appurtenant, mes issint ne poit Common Appendant.

Common pur cause de vicinage, est lou les Tenaunts de deux Seignours que sont seises de eux Villes, dōt l'un gist pres l'auter, & chescun de eux ont use de tēps dont memorie ne Court, de aver Common en auter Ville, ouesque tous Beasts commonable.

Mes l'un ne poit mitter ses Avers en le terre l'auter, car la ceux de l'auter Ville point eux distraine Dammage Fesant, ou aver Action de Trespassē, mes ils eux mitera ē lour cap demesne, & si ils estrey en les camps del auter Ville, ils doivent eux sufferer. Et les Inhabitants de l'un Ville ne doivent mītē eins tants come ils voile, mes ayant regard al Franktenement del inhabitants de le auter Ville, car auterment il ne serroit bonē vicinity, sur que tout cest matter depend.

Common Fine.

Common Fine est un certaine sūme des deniers q̄ les reſiāts deins un Leet payont al ſnr del Leet, & est appell en ascūs lieux

Common Appurtenant the same manner as Common Appendant. But it is in the manner of Beasts, as well as Goats, and such like, as Hens, Oxen, Sheep, and such as compass the ground. But Common may bee made any day, and may be severed from land to which it is Appurtenant, but so cannot Common Appendant.

Common because of neighbourhood, is where the Tenants of two Lords which be seised of Townes, where one hath use of another, and every of them is used, from the time whereof memory runneth, to have Common in the other Towne, with all manner of Beasts commonable.

But the one may not put his Cattel in the others ground, so they of the other Towne may distraine them for damage done, or may have an action of Trespass: But they may put their Beasts into their owne fields, and if they stray into the fields of the other Towne, there they must suffer them. And the inhabitants of the one Towne ought not to put in as many Beasts as the other, but having regard to the number of the inhabitants of the other Towne, otherwise it were no good neighbourhood, upon which all this matter doth depend.

Common Fine.

Common Fine is a certain summe of money which the reſiāts of a Leet pay unto the Lord of the Leet, and it is called in some

Head-silver; in some places
Comm. lxxz; and was (as it
was) first granted unto the
King towards the charge of his
marches of the East, whereby the
King had now an ease to doe
his will with in the Man-
ner, and not be compel'd to goe to
the Sheriffs Courte to doe it,
which perhaps is farther off from
then; and for this common fine
the King must prescribe, and can-
not doo so without a pre-
cept; as it appeares in God-
frey's Case, II. rep. fol. 44. b.

Common Plee.

Common Plee is the Kings
Court now held in Westmin-
ster hall, but in ancient time move-
able, as appeareth by the Statute
of Magna Charta, cap. 11.

Our Master Gwyn in the Pre-
face of his reading, saith, That
in the time that Henry the
first granted the great Charter,
there was but two Courts one-
ly, called the Kings Courts,
whereof the Exchequer was one,
and the other the Kings Bench,
in which was called Aula Regia,
whence that it followed the Court;
and that upon the grant of that
Charter, the Court of Common
Plee was created and settled in a
lieu certaine, viz. at Westmin-
ster; and because that this Court
was holden at Westminster, where-
fore the King was; hereupon
all the writs were made with
this clause, Quod sit coram Justifi-
cariis meis apud Westmonasterium,
wherefore the partie was com-
pelled by them to appeare, coram

Capitagii, vel Capitale Argentu;
É aucuns lieus certu Lete, & fuit
al primes (cōse semble) graunt al
sür vers le charge de l'on pur-
chase del Leet, per q̄ les resiants
avoyēt ore un aise pur faire lour
suit royal deins l'mannor, & ne-
my destre compells d'aler al
Tourne le viscount de faire ceo;
q̄l padvèture est plus remote del
eux; & pur cest common Fine le
sür doit prescriber, & ne pōit
distrein pur ceo sans prescriptiō,
come appiert en Godfrey's Case,
en II. rep. fol. 44. b.

Common Plee.

Common Plee est le Court le
Roy iammes tenu en le sale
de Westminster, mes en ancient
temps moveable, sicōe appiert p̄
le statute de Magna Charta, ca. 11.

Mes Monsieur Gwyn é le Pre-
face a son lecture dit, Que jelsq;
le temps que Henrie le tierce
grant le grand Charter, la fuit
forsque deux Courts soleint ap-
pel les Courts le Roy, de que un
fuit Lefchequer, & l'auter le
Banke le Roy, quel fuit appel
auxy *Aula Regia*, pur ceo que le
ensue le Court, & que sur le grāt
de cel Charter, le Court de Cō-
mon Plee fuit erect & settle en
un lieu certaine, viz. al West-
minster, & pur ceo q̄ cest Court
fuit settled al Westminster, ou-
cunque le Roy fuit, sur ceo
touts les briefs fueront faits oue
cest retourne, *Quod sit coram*
Iusticiariis meis apud westmo-
nasterium, ou devant le party
fuit commaund per eux d'ap-
pearer, *coram me vel Iusticiariis*
meis

The Exposition of

meis, sans aucun addition & aucun lieu certaine.

Touts civil causes, cybien real come personall, sont ou fueront en auncié tēps trye en cest Court, accordant al strict Ley del Royalm: Et p *Fortescue* cap. 50. il semble d'aver este le sole Court pur real causes. Le primer Judge de ceo, est appel le Seignior Chiefe Justice del Common Plees, accompany ove trois ou quater assistants ou associates, que sont create per Letters Patents del Roy, & si come fuit enstalle ou place sur le Bank p le Seignior Chancellor, & Seignior Chiefe Justice del Court, come appiert per *Fortescue* c. 51. que expresse touts les circonstances de cel admission.

Le residue des Officers appartenant a cel Court sont ceux: Le *Custos brevium*, trois Prothonotaries, Chirographer, dize quater Philasers, quater Exigēters, Clerke des Garrāts, Clerke des Juries, Clerke del Tresurie, Clerke d'argent le Roy, Clerke des Effoines, Clerke des Utlagaries.

Common jour en plee de terre.

Common jour en plee de terre, Anno 3. R. 2. Stat. 1. ca. 17. signifie un ordinarie jour en le Court, come *Ostabis Michaelis*, *quindena Pasche*, &c. come poies vier en le Statute fait Anno 5. H. 3. concernant general jours en le Bank.

me vel Justiciariis meis, sans any addition of any place come

Il certel causes, as well as Personall, are or were, in ancient time tried in this Court according to the strict Law of Kingdome: And by *Fortescue* cap. 50. it seemeth to be the only Court for Real causes. The chiefe Judge thereof is called, The Lord Chief Justice of the Common Pleas, accompanied with three or four assistants or associates, who are created by the Kings Letters Patents, and as it were installed or placed upon the Bench by the Lord Chancellor and Lord Justices of the Court, as appereth by *Fortescue*, cap. 51. which presseth all the circumstances of this admission.

The rest of the Officers pertaining to this Court are the *Custos Brevium*, three Prothonotaries, Chirographer, four Philasers, four Exigēters, Clerke of the Garrants, Clerke of the Juries, Clerke of the Tresurie, Clerke of the Kings Silver, Clerke of the Effoines, Clerke of the Utlagaries.

Common day in plea of land.

Commo day in plea of land, Anno 13. R. 2. Stat. 1. cap. 17. signifeth an ordinary day in the Court, as *Ostabis Michaelis*, *quindena Pasche*, &c. as you may see in the Statute made Anno 5. H. 3. concerning general Days in the Bench.

Common

Commotes.

Commotes.

Commotes seemeth to be a compounded word of the Preposition, *Con* & *Motio*, that is, *dictio*, *verbum*, and signifieth in the part of a County or Hundred. Anno 28.H.8. cap.3. It is written *Commotithes*, Anno 4.H.4. cap.17. and is used for a gathering made upon the people, as a *sumeth*, of this or that Hundred by Welsh Minstrels.

Commotes semble destre un parol composé del Preposition, *Con* & *Motio*, i. *dictio*, *verbum*, & signifie en Gales le part d'un County ou Hundred, Anno 28.H.8. cap.3. Il est escry *Commotithes*, Anno 4. H.4. cap. 17. & est use pur un Collection faits sur les gentz, comé semble, de ceo ou cest Hundred per Minstrels de Gales.

Communi custodia.

Communi custodia.

Communi custodia is a word which lyeth for that Lord, which tenant holding by knights service dieth, his eldest son within age, against a stranger, who entered the Land, and obtained the ward of the body. It may seem to take the name from the common Customs or right in this case, which is, That the Lord shall have the wardship of his Tenant until his full age; so because that it is common for the Recovery both of the Land and Tenant, as appeareth by the forms thereof, Old N.B.89. Reg. Orig. 161.

Communi custodia est un Briefe q̄ gift p̄ cel Seignior, le Tenāt de quel tiendrant per Service de Chivaler morust, son eigne firs deins age, envers un estranger, que enter le terre, & obteyne le gard del corps. Il semble de prendre le nosme del common Custome ou droit en ceo case, que est, Que le Seignior avera le gard de son Tenant jesque son pleine age; ou pur ceo que est common pur recoverie del Terre & Tenant, cōe appiert per le forme de ceo, *Veiel N.B.89. Register Orig. 161.*

Compromise.

Compromise.

Compromise is a mutuall promise of two or more parties that are at controverſie, to submit themselves and all differences betwix them, unto the Award, Arbitrement, or Judgement of one or more Arbitrators, indifferently chosen betwix them to determine and adjudge upon all matters referred, and upon which the parties differ.

Compromise est un mutuall promise de deux ou plusors parties q̄ sōt al cōtroverſie, pur submitter eux mesmes & tous differences enter eux, al agard arbitremēt, ou Judgemēt del un ou plusors arbitrators, enē eux indifferētmēt esliē p̄ déterminer & adjudger, des tous maters referres, & sur que les parties differont.

Com-

Computation.

Computation, cest parol est use en le Common Ley, pur le voyer & indifferent construction de temps, issint que ne l'un partie serra tort al auter, ne le determination de termes referre a large desre prise un voy ou auter, mes serra compute accordant al droitural Censure de la Ley.

Come si Indentures de Demise sont ingrossé, portent date le unisme jour de May 1624. daver & tener terre en S. par trois ans de cest temps, & les indentures sont deliver le quart jour de June en l'an avantdir; En cest case, de cest temps, serra account del jour del deliverie des Indentures, & nemy per aucun Computation del date, & si le dit Indenture soit deliver al quater de la horologe puis meridie le dit quater jour de June, cest Leas finiera le tierce an, car la Ley en cest computation reject tous fractions ou divisions del jour pur l'encertaintie, que tous foirs est le Mere de contention. Issint ou la Statute Denrolments fait *Anno 27. Hen. 8. cap. 16.* est, que les Escripts seront inrolle deins fize moives apres le date de mesme les Escripts indent, si tiels Escriptes ont date, les fize moives seront account del date & nemy del deliverie, mes si fault date, donque il serra account del deliverie, *Coke lib. 5. fol. 1.*

Computation.

Computation, this word is used in the Common Law, to true & indifferent construction of time, so that neither the one shall doe wrong to the other, in the determination of times, referred at large to be taken one or other, but shall be computed according to the just Censure of the Law.

As if Indentures of demise be ingrossed, bearing date the twentieth day of May 1624, to have and to hold the Land in fee simple for three yeares, from henceforth, and the Indentures are delivered the fourth day of June, in the yeare aforesaid: In this case, from henceforth, shall be accounted from the day of the delivery of the Indentures, and not by any computation from the date; and if the said Indenture be delivered at four of the Clock in the afternoon of the said fourth day of June, this Lease shall be accounted from the third day of June, in the third yeare, for the Law in this computation rejecteth all fractions or divisions of the day for the uncertainty, which alwayes is the mother of contention. So when the Statute of Inrollements made Anno 27. H. 8. cap. 16. is, That all writtings shall be inrolled within six moneths after the date of the same writtings indented, if the writtings have date, the six moneths shall be accounted from the date, and not from the delivery; but if they want date, they shall be accounted from the delivery, *Coke lib. 5. fol. 1.*

If any Deed be shewed to a Court at Westminster, the Deed of Judgment of the King shall be in Court all the Terme which it is shewed, for all the Law is but as one, Coke lib. 5. fol. 74.

If a Church be voyd, & the true patron doth not present within six moneths, then the Bishop of the Diocese may collate his Vicar, but these six moneths shall not be computed according to the days to the moneth, but shall be computed according to the Kalends. And there is great diversity in our common speech in the singular number, as a Twelve-moneth, which includes the year according to the Kalends, and 12. moneths, which shall be computed according to 28. days to every moneth. See Coke lib. 5. fol. 61. b.

Computo.

Computo is a writ so called of the King, because it compelleth the Treasurer, Chamberlain, or Receiver, to render his account; Old B. fol. 58. It is founded upon the Statute of Westm. 2. cap. 2. the which you may see your better understanding reads. And is also given by Executors of Executors, Ed. 5. Stat. de Provis. Victual. 5. 4. Against the Gardein in his office, as first made in the minority of the heire, Marlebr. cap. 17. And is further in what other cases, Reg. orig. fol. 135. Old B. fol. 58. & F. N. B. fol. 116.

Concealers.

Concealers are such as finde out lands concealed, that is, such

Si aucun fait est monstre a un Court al Westminster, le fait per judgement del Ley remaine en Court tout le Terme en que ceo est monstre, car tout le Terme en Ley nest que un jour, Coke lib. 5. fol. 74.

Si un Esglise happa voyd, & le veray patron ne presenta deins six moys, donques Levesque del Dioces poet collate son Chapleyn : mes ceux six moys ne serra account accordant al vint huit jours al moys, mes seront compus accordant al Kalend. Et la est graund diversite en nre common parlance en le singul' nombre, come un Twelve-moneth, que enclue tout lan solonque le Kalend, & Twelve moneths, que serra compute solonque vint huit jours a chescun moys. V. Coke lib. 6. fol. 61. b.

Computo.

Computo est un briefe issint appel del effect, pur ceo que il enforce un Baylife, Chamberlain, ou Receiver, a render son Account, Veil N. B. fol. 58. il est founque sur le Statute de West. 2. ca. 2. le quel pour vostre mieux intelligence vous poyes lye. Et il auxy gift pur Executors dexecutors, 15. Ed. 3. Stat. de Provis. victual. cap. 5. Tierceme eurs le Gardeine e Socage, pur waist fait e le minority del heire, Marl. c. 17. & vies plus en flux aus cases il gift, Reg. Orig. fol. 135. Veil N. B. fol. 58. & F. N. B. fol. 116.

Concealers.

Concealers sont tiels que trouvent terres conceales, ceo est tiels

The Exposition of

ciels fres q̄ sont privim̄ deteine del Roy per common p̄sons, ne ayant pas ascun chose de monst̄r p̄ eux, Anno 39. Eliz. ca. 22. ils s̄ot issint appel à *concelando*, come mons à *movendo*, p̄ Antiphrafin.

Conclusion.

Conclusion est quant home p̄ son fait demesne sur Record ad charge luy m̄ oue ascū duty, ou aut chose : Come si home q̄ est franke confesse luy mesme dest̄ villeine de A. sur Record, & après A. prist ses biens, il serra conclude adire en ascun *Actio* ou *Plea* en aps, que il est franke, per reason de son Confession demesne. Issint si l'Vic. sur un *Capias* a luy direct, retourne quod *cepit corpus*, & uncore nad le corpes en Court al jour del Retourne il serra amercie : & sil fuist sur un *Capias ad satisfaciendum*, le Plaintife poit aver son *Action* enuers le Vicont pur le escape, car per tiel Retourne le Viscōt ad conclude luy mesme.

Et cest parol Conclusion est prist en un auter sence, cōe pur le fine ou darreyne part d̄ ascun Declaration, Barre, Replicatiō, &c. Come ou al Barre covient estre un Replication, le Conclusion de son *Plea* serra, *Et hoc paratus est verificare*. Si en Dower, le Tenaunt pleda ne unquēs seisie que Dower doit tender, le Conclusion serra, *Et de hoc ponit se super patriam*. Et en quel manner le Conclusion serra accordant al nature des severalx actions, Veies *Kyteb. fo. 219. 220. &c.*

lands as are secretly taken the King by common p̄sons, being nothing to shew by Anno 39. Eliz. cap. 22. This is called a *concelando*, as *Movendo*, by Antiphrafin.

Conclusion.

Conclusion is when a man his own act upon Record charged himselfe with a duty or other thing : as if a freeman sells himselfe to be the villeine B. upon record, and afterwards taketh his goods, he shall be concluded to say in any action afterwards, that hee is free, for reason of his own confession. If the Sheriffe upon a *Capias* him directed, returneth that he hath taken the body, and yet not the body in Court at the day of the returne, hee shall be amercied : and if it were upon a *Capias ad satisfaciendum*, the Pl. may have his *Action* against the Sheriffe for the escape, for by such returne the Sheriffe hath concluded himselfe.

And this word Conclusion is taken in another sence, as the end or latter part of any Declaration, Bar, Replication, &c. Where to the Bar there ought to be a Replication, the conclusion of his plea shall be, And this he is ready to affirme. If in Dower the Tenaunt pleads, That he never seised to tender dower, his conclusion shall be, And upon this hee puts himselfe upon the Country. And in what manner the conclusion shall be according to the nature of severall actions, See *Kitch. fol. 219. 220. &c.*

Conclud

Concord.

Concord.

Concord is defined to be the agreement between parties in the levying of a fine from one to another, how and in what manner the Lands shall pass: For in the forme there many things are to be considered. *West. part. 2. tit. Fines & Concoords, Sect. 30.*

Concord is also an agreement between any trespassers committed by one two or more, and is made into a Concord executorie or absolute. *See Plowd. in Reniger & Fogass's case, fol. 5. & 6.* It appeareth by the opinion of some, that the one doth not being imperfect, the other being absolute, bindeth and tyeth the parties, and yet by the opinion of others in the same case, it is affirmed that Concoords executories are perfect, and doe no lesse than Concoords executed, *fol. 8. b.*

Concord est define destre le voyer agreement enter parties que entendent le levying dun fine de Terres un al autre, quel voy & en quel manner les terres serrount passe: car en le forme de ceo plusors choses sont destre consider. *Vid. west part. 2. tit. Fines & Concoords, Sect. 30.*

Concord est auxy un agreement fait sur ascun trespasser commit perent deux ou plusors, & est divide en un Concord executorie & execute. *Vide Plowd. Casu Reniger & Fogassa, fol. 5. & 6.* ou il appeere per l'opinion dascuns, Que l'un ne lia pas cōe esteant defective; l'auter esteant absolute & oblige les parties: & uncore per l'opinion d'autres en mesme le case, il est affirme, Que Concoords executorie sont perfect, & ne meynes lyerount pas que Concoords executed, *fol. 8. b.*

Concubinage.

Concubinage.

Concubinage is an exception against her that bringeth an issue for her Dower, whereby it is shewed, That she was not lawfully married to the partie in whose lands she seekes to be endowed, but his concubine. *Brit. ca. 107. Bracton lib. 4. Tract. 6. ca. 8.*

Concubinage est un exception vers luy que port Action pur sa Dower, per que il est allodge, Que el ne fuit loyally espouse al partie en queux terfs el quere destre endowe, mes son Concubine, *Britton, cap. 107. Bract. lib. 4. Tract. 6. cap. 8.*

Conders.

Conders.

Conders are those that stand upon the high places nere to the coast, at the time of their fishing, to make signes with poles, &c. in their hands, to the

Conders sont tiels q̄ estoient sur les alt lieux procheine al coast del Mere, al temps del piscary pur Haleques, a faire signes oue Ramaus, &c. en lour maines, al Pesca-

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al Piscarers, quel voy le troupe des Haleques passont: car ils que estoyant sur ascun alt pêtre, poyent ceo mieux veier que tiels que sont en leur nieses. Ceux sont autrement appel Huers & Balkers, come appiert per lestatute d. 1. l. 1. cap. 23.

Condition.

Condition est un restraingt ou bridle annex & joyne al chose, issint que per le non performance, ou fessans de c, le partie al Condition recevra prejudice & parde, & per le performance & faire de c, commodite & advantage.

Et tous Conditions sont ou Conditions actual & expresse, queux sont appel conditions en fait, ou ils sont conditions implicit ou tacite, & nient expresse, les queux sont appellees conditions en Ley.

Auxy tous conditions sont ou conditions precedent & vaillant devant lestatute, & sont executees: ou subsequent, & veniens apres lestate & executorie.

Le condition precedent gaine & obtaine le chose ou estate fait sur condition, per le performance de l'condition.

Le condition subsequent garde & continue le chose ou estate fait sur condition, per le performance de ycel.

Actual & expresse condition, que est appelle un condition en fait, est un condition knitte & annexee par expresse parols, al Feoffment, Leale, ou Grant, on

Fishers, which way the Herrings passeth: for they stand upon some high Church for it better than those upon their Ships. These are well called Huers and Balkers as appeareth by the Statute 1. Jac. cap. 23.

Condition.

Condition is a restraingt annexed and joynted to a thing so that by the non performance or not doing thereof, the party to whom the condition shall receive prejudice and losse, and by the performance and doing of the same, commoditie and advantage.

And all Conditions are either Conditions actual and expresse, which bee called Conditions in Deed, or else they be Conditions implied, or covert, and are called Conditions in Law.

Also all Conditions are either Conditions precedent and vaillant before the Estate, and are executed: or else subsequent and vaillant after the Estate, and executorie.

The Condition precedent getteth or gaineth the thing or estate made upon Condition, by the performance of the same.

The Condition subsequent keepeth and continueth the thing or estate made upon Condition, by the performance of the same.

Actual and expresse Condition, which is called a Condition in Deed, is a Condition knit and annexed by expresse words, to a Feoffment, Leale, or Grant,

is writing of without writ-
ing. As if I infeoffe a man in
land, reserving a rent to be payd
at such a feast, upon condition,
that if the feoffee faile of payment
at the day, that then it shall bee
lawfull for me to re-enter.

Condition implied, or covert
and not expresse, which is cal-
led a condition in Law, is when
a man granteth to another the
Office to be keeper of a Park,
Wood, Beadle, Bayliffe, or
the like, for terms of life, and
though there bee no condition at
all expresse in the Grant, yet the
Law speaketh covertly of a con-
dition, which is, That if the
Grantee doth not execute all
duties appertaining to his Of-
fice, by himselfe or his sufficient
Deputie, then it shall be lawfull
to the Grantour to enter and dis-
charge him of his Office.

Condition precedent and going
before, is when a Lease is made
for one for life, upon condition that
the Lessee for life shall pay to
the Lessor xx. li. at such a day,
and then he shall have fee-simple,
and the condition precedes & go-
eth before the estate in fee-simple,
and upon the performance of the
condition, doth get and have the
fee-simple.

Condition subsequent and com-
ing after, is when one granteth
to J. S. his Mannor of Dale in
fee-simple, upon Condition,
That the Grantee shall pay to
him at such a day xx. pounds, or
if that his Estate shall cease,
and the condition is subsequent
following the Estate in fee-sim-

en escript, ou sauns escript. Si-
côc jeo enseoffe un hôte en Terre,
reservant Rent, deste payed a
tyel Feast, sur condition, Que
si le Feoffee faile d'payment al
jour, que donques il ferra loyal
pur moy de re-enter.

Condition implicite, ou tacite
& nient expresse, que est ap-
pelle Condition en Ley, est
quant home graunt al auter le
Office destre Gardeine d'un
Parke, Seneschall, Beadle, Bay-
liffe, ou tiels semblables, pur
terme de vie, & nient obstant q
la ne soit aucun condition ex-
presse en le Graunt, uncore le
ley parle covertment de un condi-
tion, quel est, q si le Grantee ne
executa pas tous poynts apper-
teignent a sô office, p luy mesm,
ou son sufficient Deputie, donq
ferra loyal pur le Grauntour de
eter & discharge luy de sô office.

Condition precedent & vayan-
t devaunt, est quant un Lease
est fait al un pur vie, sur condi-
tion, Que si le Lessee pur vie
voyle payer al Lessor xx. l. a tiel
jour, que donques il avera fee-
simple, icy le condition precede
& va devant l'estate en fee-sim-
ple, & sur le performance de
Condition, get & gayne Fee-
simple.

Condition subsequent, & ve-
niens apres, est quant un graunt
a J. S. son Mannour de Dale en
Fee-simple, sur condition, Que
le Grantee payera a luy a tiel
jour xx. l. ou autrement que sô
estate cessera, icy le condition
est subsequent & ensuivant le
estate en Fee-simple, & sur le
performance

The Exposition of

performance de ycel, gard & continue le eſtate.

Vies plus de ceo en *Coke*, li. 3. fol. 64. & en *Lit. li. 3. c. 5.* & *Perkins* titulo ultimo de *Conditioſ.*

Confederacie.

Confederacie eſt quauant deux ou pluſors homes luy meſmes confedre & faire aucun m̄ le ou damage al auē, ou de faire aſcū choſe illoyal. Et coment q̄ Briefe de Conſpiracie ne giſt ſinon que le partie ſoit endite, & en loyal manner acquite, car iſſint ſont les parols del Briefe, uncore faux confederacie inter divers perſons ſerra punie coment que nul choſe ſoit miſe en ure, & ceo appiert per le Lieure de 27. *Aſſiſ. plac. 44.* ou la eſt un note, que deux fueront endiē de confederacie, cheſcun de eux a maintain auter, le quel lour meſtre ſoit veray ou faux, & nient obſtant que nul choſe ſuit ſuppoſe deſtre miſe en ure, les parties fueront mis a reſponder, pur ceo que cē choſe eſt defendue en la Ley. Iſſint en le prochein article en meſme le Lieure, enquirie ſerra fait de Conſpirators & Confederators q̄ ſoy enē eux allyount, &c. de fauxement enditer ou acquitter, &c. le mannē del alliance, & enter queux, quel prove auxy que confederacie d'enditer ou acquiter coment q̄ rien ſoit execute, eſt puniſſable per la ley. Et eſt deſtre obſerve que ceux confederacies puniſſable per Ley devant que ils ſont execute covient d'aver quater

ple, and upon the performance thereof doth keepe and continue the Eſtate.

See more of this in *Coke* li. 3. fol. 64. and in *Lit. li. 3. c. 5.* and *Perkins* in the laſt title of *Conditions*.

Confederacie.

Confederacie is when two or more men confederate themselves to doe any hurt or damage to another, or to doe any unlawful thing. And although a Briefe of Conſpiracie doth not lie if the parties be not indicted, and lawfull manner acquitted, in the words of the writ, yet a false confederacie between persons shall be punished, although that nothing be put in ure, as this appeareth by the Writ of 27. *Aſſiſ. placit. 44.* where there is a note, That two were indicted of Confederacie, each of them maintaineth other, whether the matter were true or false, and although nothing was supposed to be put in ure, the parties were made to answer, for as much as nothing is forbidden in the Law. So in the next Article in the same Booke, enquirie shall be made of conspirators and confederators, which bind themselves together, &c. falsely to endite or acquit, &c. the manner of their binding, and between whom. And a proverb also that confederacie to indite or acquit, although nothing be done, is punishable by the Law. And it is to be observed that a confederacie punishable by Law before it be executed, ought to be four incidents. First, it ought

to be declared by some matter of prosecution, as by making of bonds or promises the one to the other: Secondly, it ought to be malicious as for unjust revenge: Thirdly, it ought to be false against an innocent: and lastly, it ought to be out of Court voluntarily.

Confession del offence.

Confession del offence is when a prisoner is appealed or indicted of Treason or Felonie, and brought to the barre to be arraigned thereof, and his indictment is read unto him, and hee is demanded by the Court what he can say thereto, then either he confesseth the offence and the indictment to be true, or hee estrangeth himselfe from the offence and pleadeth not guilty, or else giveth an indirect answer, and so in effect standeth mute.

And confession may be done in two sorts, and to two severall ends; whereof the one is, he may confesse the offence whereof hee is indicted openly in the Court before the Judge, and submit himselfe to the censure and judgement of the Law: which confession of the prisoner himselfe is the most certain answer and best satisfaction that may be given to the Judge to condemne the offender, so that the said confession proceedeth freely and of his owne accord, without any threats, force, or rigorous ex remittie used; for if the confession groweth from any of these causes, it ought not to be received. As a woman was in-

incidents. Primerment covient estre declare per ascun matter de prosecution cōc p felant de bōds ou promises l'un al autre: secondement coviēt estre malicious cōc pur unjust revenge: tiercement covient estre faux encont un innocent: & dernierment coviēt estre hors de Court volontariement.

Confession del offence.

Confession del offence est quant un prisoner est appeale ou indite de Treason ou Felonie, & trahe al barre destre arraigne de c', & son indictment est lie a luy, & il est dē par le Court que il voyle dire a ceo, donque ou il confesse le offence, & le enditement destre voyer, ou il estranger luy mesme del offence & plede nient culpable, ou autrement done un indirect respons, & issint en effect estoia mute.

Et confession poit estre fait en deux sorts, & a deux severall fines, de q lun est, il poit confesse le offence de que il est indict appiertment en le Court devant l' Judge, & submit luy mesme ad censure & judgement del Ley. Quel confession del prisoner luy mesme est le plus certaine respons & meux satisfaction que poit estre deliver al Judge, a condemner le offender, issint que le dit confession proceda frankment & de son volunt demesme sans aucun menace, force, ou rigorous extremitie use; car si le confession surde de ascun de ceux causes, il ne doit estre recorder. Come feme fuir indict

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pur le felonious ebleer de pane ad value de 2. s. & esteant de eco arraigne, el confesse le felonie, & dit que el ceo fait per le commaundement de sa Baron, & les Judges en compassion ne voilent recorder sa confession, mes cause luy de pleader non culpable al felonie: sur que le Jurie esteant charge, il fuit troue q̄ el emblea le pane per le compulsion de sa Baron encounter sa volunt, per quel meistre el fuit discharge, 27. Aff. Pla. 50.

L'auter sort de Confession de Felony que est fait per un prisonier a son arraignment, apert en Court devant le Judge, est quant le prisonier confesse l'endictment destre voyer, & que il ad comit le offence de que il est indict, & donque devient un approver, cest adire, un acuser de auters queux ont commit meisme le offence de q̄ il est endict, ou auters offences oue luy, & donque pria le Judge d'aver un Coroner assigne a luy, a que il poit faire relation de ceux offences, & del pleine circonstances de eux.

La est auxy un tierce sort de confession, fait per un offender en felonie, que nest en Court devant le Judge, come l'auters deux sont, mes devāt le Coroner & un Esglise ou auter lieu privilege, sur q̄ l'offendor p l'ancien ley del Roialme est de faire son abjuration hors del Roialme.

Confirmation.

Confirmation est quauant un q̄ avoit droit al alcun terres ou

dicted for the felonious taking bread to the value of five shillings, and being thereof arraigned, confessed the felonie, and said shee did it by the commaundment of her husband, and the Jurie in pittie would not record her confession, but caused her to plead guilty to the felonie: whereupon the Jurie being charged, it was found that shee stole the bread by the compulsion of her husband against her will, for which cause she was discharged, 27. Aff. Pl. 50.

The other kind of confession of felonie which is made by a prisoner at his arraignment, openly in Court before the Judge, is when the prisoner confesseth the indictment to be true, and that he committed the offence whereof he is indited, and then becometh an approver, that is to say, an accuser of others which have committed the same offence whereof he is indited, or other offences by him, and then prayeth the Judge to have a Coroner assigned to him to whom hee may make relation of those offences, and of the circumstances thereof.

There is also a third kind of confession, made by an offender in felonie, which is not in Court before the Judge as the other two are, but before a Coroner, a Church, or other privileged place, upon which the offender by the ancient Law of the Realme may be abjured the Realme.

Confirmation.

Confirmation is when one hath right to any lands or

tenements, maketh a deed to another which hath thereof the possession, or some estate with these words, *Ratificasse, Approbasse, Confirmasse*, with intent to enlarge his estate, or make his possession perfect and not defensible by him that maketh the confirmation, nor by any other that may have the right.

Sheweth see more in Littleton lib. 3. cap. 9. of Confirmations.

Confiscate.

Confiscate.

Confiscate, this word is deribed from the Latine word *Fiscus*, which originally signifieth an hamper or Basket, but metonymically, the Princes treasure, because that in ancient time it was put in hampers or frailes. And although our King both not put his treasure in such things, yet as the Romans have said, that such goods as were forfeited to the Emperours treasurie, were *Bona Confiscata*, in like manner doe we call such goods as are forfeited to the Kings Exchequer. And the title to have these goods, is given to the King by the Law when they are not claimed by any other; as if a man be indicted, that he feloniously stole the goods of another man, where in truth they are the proper goods of him indicted, & they are brought in Court against him as the manner is, and he there asked, What he saith to the said goods? To which he disclaimeth: Where by the disclaiming he shall lose the goods, although that afterwards he be acquitted of the felonie, and

tenements fait un fait a un autre q̄ avoit ent le possession ou ascū estate ovesque ceux parolz, *Ratificasse, Approbasse, confirmasse*, oue entent de enlarger sō estate, ou faire son possession perfect & nient defensible per luy que fait le confirmation, ne per aucun autre que poit aveigner a son droit.

Dont veies pluis en Littleton lib. 3. cap. 9. de Confirmations.

Confiscate, cest parol est prise del Latine parol *Fiscus*, que originalmt signifie un Hanaper ou Fraile; mes p implication, le treasure del Soveraignie, pur ceo q̄ en veiel tēps il fuit mi en Hanapers ou Frailes. Et niēt obstar que nostre Roy ne mit son treasure en tiels choies, uncore come les Romans ont dit, que tiels biens que fueront forfeit al treasure del Emperor, esteant *Bona Confiscata*, en mesme le manner nous diomus de tiels biens, que sont forfeit al Eschequer de nostre Roy. Et le title d'aver ceux biens est done al Roy per le ley quant ils ne sont claime per ascū autre; come si home soit indito, que il feloniously emble les biens d'un autre home, lou en veritie ils sont les proper biens l'enditee, & ils sont mises en Court vers luy come maneur, & la demaund est de luy, Que il dit as dits biens? As queux il disclaima: Icy per cel disclaimer il perdra les biens, coment que apres ils soit acquite del Felonie, & le Roy eux avra come confiscate.

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que : Mes autrement est, si
ne disclayma en eux.

Mesme le Ley est ou biens
sont troves en le possession d'un
Laron, queux il disavowa, & puis
est attainé de auters biens, &
nemy de ceux, icy les biens qu'il
disavowa, sont al Roy come
confisques : Mes usloir il attainé
de meismes les biens, ils serroyét
aver este appellees forfeits, & ne-
my confisques, nient obstant
son disavowment. Issint si Ap-
peale de Robberie soit port, &
le Plaintife interlessa aucun de
ses biens, il ne serra receive
denlarger son Appeale, & en-
tant que nul est icy daver
les biens issint interlessé, le
Roy eux avera come confis-
que accordant al veiel dit,
Quod non capit Christus, capit
fiscus. Et come en le case avant-
dit, le Ley punie l'owner pur
son negligence ou connivencie,
issint le Ley abhorre malice, en
querance le sanke de aucun sans
just cause. Et pur ceo si A. ad le
biens de B. per bailement ou
trover, & B. port Appeale vers
A. pur prendre eux felonious-
ment, & troue est que eux
fueront les biens le Plaintife, &
que le defendant vient a eux
loyalment, en cest case ceux
biens serront confisque al Roy,
pur le faux & malicious Ap-
peale.

Congeable.

Congeable veigne del paroll
Francois (*Conge, id est, venia*)
Et signifie en nostre common

the King shall have them as con-
fiscated: but otherwise it is, if he
doth not disclaime in them.

The same Law is to be observed
are found in the felons' possession,
which he disavoweth, and the
wards is attainted of other goods,
and not of them, there the goods
which he disavoweth, are as con-
fiscate to the King: but he has
been attainted of the same goods,
they should have been taken for-
feited, and not confiscated, not-
withstanding his disavowment.
So if an Appeale of Robberie be
brought, and the Plaintife taketh
out some of his goods, he shall
be received to enlarge his Ap-
peale: and for as much as there
is none to have the goods taken
out, the King shall have them as
confiscate, according to the
Rule, *Quod non capit Christus,*
capit fiscus. And as in the case
foresaid, the Law punisheth the
owner for his negligence and con-
nivency, so the Law abhorreth
malice, in seeking the blood of
any, without just cause. And
therefore if B. hath the goods of
A. by deliverie, or finding, and
B. brings an Appeale against A.
for taking them feloniously, and
it is found that they were A.
Plaintifes goods, & that he took
came lawfully by them, in this
case these goods are confiscated to
the King, because of the false and
malicious Appeale.

Congeable.

Congeable comes of the
word (*Conge, id est, venia*)
And it signifies in our common

Let as much as lawfull or lawfully done, and so Master Littleton uses the word in his 410. Section, where he says that the entry of the Dissolution is congeable.

Conge d'essire.

Conge d'essire, power of choosing, is the Kings Royall permission to any Deane and Chapter in time of vacaney to chuse a Bishop, or to an Abby or Priory of his own foundation, to chuse their Abbot, or Prior. Fit. Na. Br. fol. 169. b. 170. b. c. &c. Concerning this matter, Master Gwyn in the Preface to his Readings, says, That the King of England, as soveraigne Patron of all Archbishops, Bishops, and other Ecclesiasticall Benefices had of ancient time free disposition of all Ecclesiasticall dignities whensoever they happen to be void, investing them, first per baculum & annulum, and afterwards by his Letters Patents, and that in pgress of time, they gave power to make election under certaine formes and conditions: as namely, that they were during vacation shall intreat of the King Conge d'essire, that is, leave to proceed to election, and then after the election to crave his Royall assent, &c. And further he sheweth by good proofe out of the Common law books, that King John was the first that granted it, and that it was afterward confirmed by Westm. 1. cap. 1. which statute was made Anno 3. Ed. 1. and againe, by the statute de Art. Cleri cap. 2. which was obtained Anno 25. Ed. 3. Stat. 3.

Ley, tant come loyall ou loyallment fait, & issint est use per Monsieur Littleton en son 410. Section, lou il dit que l'entry del Dissoluce est congeable.

Conge d'essire.

Conge d'essire, venia eligendi, est le permission Royal del Roy, a asc Deane & Chapter en temps de Vacation d'essire un Evesque, ou a un Abbey ou Priorie de son foundation demesne deslier leur Abbot, ou Prior. F. N. B. fol. 169. b. 170. b. c. &c. Touchant cest chose, Monsieur Gwyn é le Preface a ses Lectures dit, q le Roy Dengleterre, cõe soveraigne Patro de tous Archievesqueries, Evesqueries, & auters Benefices Ecclesiasticall, ad de ancient temps frank disposition d' tous dignities Ecclesiasticall, oucunque ils happa destre void, investant eux, primerment per baculum & annulum, & puis per ses Letters Patents, & que en pgress de teps ils done poyer as auters a faire election, south ascun formes & conditions: come nosmeint, que ils a chescun vacation demanderont del Roy Conge d'essire, cest a scavoir, licence a proceder a election, & donque puis le election d' obsecrer son Royal assent, &c. Et ouster il affirme p bone pbatation hors des liuers del Common Ley, que le Roy Joan fuit le primer que granta ceo, & que il fuit puis confirme per westm. 1. cap. 1. q l statute fuit fait Anno 3. Ed. 1. & arere per le statute de Art. Cleri, cap. 2. que fuit ordaine Anno 25. Ed. 3. Stat. 3.

L 4

Conjuration.

The Exposition of

Conjurat[i]on.

Conjurat[i]on est un cōpact ou plot fait p[ar] homes combinant eux mesmes ensemble per serement ou parol a faire asc' publique leide. Mes il est pluis cōmunement use par tiels queux ont p[er]sonal parlance oue le Diable ou male esperit a cognostre ascun secret, ou de faire ascun chose, *Ann 5. Eliz. cap. 16.* Et le difference penier Conjurat[i]on & Witchcraft poit estre dit destre ceo, pur c' q' l'un semble p[ar] Orizons & invocation sur le potent nosine de Dieu, de compeller le Diable adire ou faire que il luy command; & l'auter fait pluis per un amicable & voluntarie parlance ou concord p[er]reuter luy ou el & le Diable ou esperit d'aver sa ou son volunt & choses effect, en lieu de sangue ou auter done offer a luy, primerment de son ou sa soule: Et ambideux ceux differont d'enchantments ou Sorceries, pur ceo que ils sont p[er]sonal parlances oue le Diable, come est dit; mes ceux sont forsque medicines & ceremonial formes de parols, cōmunement appel Charms, sans apparition.

Conservator del Truce.

Conservator del Truce fuit un Officer constitute en chescū port del mere, south les Letters Patents le Roy, & ad 40. l' pur son annual salarie, al meins, Son charge fuit denquirer de tous offences faits enuers le Truce, & safe conducts del Roy, sur le pleinc Mere, hors des pais &

Conjurat[i]on.

Conjurat[i]on is a compact made by men, combining themselves together by any promise to doe any publicke harme. But it is moze commonly used for such as have p[er]sonall conference with the Devill or evil spirit to know any secret, or to do any purpose, *An. 5. Eliz. c. 16.* The difference betwene Conjurat[i]on and Witchcraft may be said to be this, because that the one is done by prayers and invocation upon the powerfull name of God to compell the Devill to say or doe what hee commandeth; the other doth rather by a friendly and voluntarie conference or agreement betwene him or her and the Devill or familiar, who have his or her desires and purposes effected, in stead of blood or other gift offered unto him; especially of his or her soule: Both these differ from Enchantments or Sorceries, because that they are p[er]sonall conferences with the Devill, as is said; but these are but medicines and ceremoniall formes of words, commonly called Charms, without apparition.

Conservator of the Truce.

Conservator of the Truce is an Officer appointed in every Port of the Sea under the Kings Letters Patents, and had 40. l. for his yearly stipend at the least. His charge was to inquire of all offences done against the Kings Truce, & safe Conduits upon the maine Sea, out of the common

countries and out of the liberties
of the Ports of the R. as the
customs of custome he be used to
and such other things as are
declared in. 2. H. 5. c. 6. Touching
the matter, you may read the
Statute of Anno 4 H. 5. c. 7.

Conservator of the peace.

Conservator of the Peace is he
who hath an especial charge
of the peace kept, which peace in
law is defined to be a with-hol-
ding of abstinence from that inju-
rious force and violence that un-
lawful and riotous men are in their
wantonness to use towards o-
thers, were they not restrained by
the law and feare of punishment. Of
these conservators M. Lamb. fur-
ther saith, that before the time of
Ed. 3. who first appointed
Justices of Peace, there were sundry
persons who by the common Law
had interest in the keeping of the
peace. Of those some had that
charge as incident to their offices,
and so included within the same, &
some notwithstanding were called
by the name of their office onely:
others had it simply as of it
self, and were thereof named
Justices pacis, Wardens or Con-
servators of the Peace. And both
these sorts are againe subdivided
by M. Lambert, in his Eirenar-
cha, lib. 1. cap. 3.

Consideration.

Consideration is the materiall
cause of a contract. without the
which no contract can binde the
parties: this consideration is di-

hors des franchises del Cinque
Ports le Roy, come le Admirals
de custome ont use de faire, &
tiels auters choses come sont de-
clare, Anno 2. H. 5. cap. 6. Tou-
chant cest chose, voyes lier l'au-
tor statute de An. 4. H. 5. cap. 7.

Conservator del peace.

Conservator del Peace est ce-
luy q ad un especial charge
per vertue de son Office, a veier
le peace le Roy observe. Quel
peace en effect est define destre
un detention ou abstinence de
cel injurious force & violence q
homes irregular & indomir sont
en leur natures apt de user en-
vers auters, sinon que ils fuef re-
straine pleyes & pavor de casti-
gac. De ceux Conservators
Monsieur Lambert ouster dit, q
devant le temps del Roy Ed. 3.
que primermt cōstitute Just. del
Peace, la fuef diūs persons que
p le common ley avec infest en
le gardiancy del Peace. De ceux
ascuns ont c'charge cōe incident
a leur offices, & issint include
deins m, nient obstant ils fuef
appel per le nosme q leur office
solemt: ale' aüs ont ceo solemt
cōe de luy m, & fuer de c' nosm
Custodes Pacis, Gardians ou Cō-
servators del Peace. Et ceux am-
bideux sorts sont arere subdivi-
vide per M. Lambert en son E-
irenarcha, lib. 1. cap. 3.

Consideration.

Consideratiō ēl'essential cause
dun Contract, sans le q nul
Contract poit lier le partie: ceo
Consideration est ou expresse,
licome

The Exposition of

ſicome quant un hōe bargaine a dōer vint ſoulz pur un Chival: ou eſt imple, ſicome quant le Ley meſme enforce un conſideration, come ſi un home vient en un common hoſtel, & la commorant aſcun temps, priſt viands & giſure, ou aſcun, p luy meſme, ou pur ſon Chival. le ley preſume q il entend a payer p ambideux, nient obſtant riens ſoit ouſter Covenant penſ luy & ſon hoſtler, & pur c'ſil ne diſcharga pas le meſon, le hoſtl' poit retenir ſon Chival.

Auxy la eſt conſideration de nature & ſanke, & valuable conſideration, & pur ceo ſi home ſoit ender a divers auters, & nient obſtant en conſideratiō de natural affection done tous ſes biens a ſon Fils ou Coſine, ceo ſerra entend deſt un fraudulent dōe deins l'aſt de 13. *Eliz. cap. 5.* pur ceo que ceſt aſt entend un valuable conſideration.

Conſistory.

Conſistory eſt Meaſe del Coūſel pur perſons Eccleſiaſtical, & eſt un parol emprunt del Italiano ou plus toſt des Lūbards, & ſignifie tant cōc *Prætoriiū. Eſt vocabulum utriusque iuris*, & eſt uſe pur le lieu del Juſtice en les courts eſpirituals ou Chriſtians.

Convocation.

Convocation eſt communement priſe p l' aſſembly d' tout les Clerks, p cōſult de choſes eccleſiaſtical, en temps de Parlemt; & ſicome la ſont deux meſons de Parlemt, iſſint la ſont deux lieux

ther expreſſed, as when a bargainer to giue xx. s. for a horse: or is implied, as in the Law it selfe entereth a consideration, as if a man come to a common Inn, and staying some time, takes his lodging, or either, for himselfe for his horse, the Law presumes that he intendeth to pay for both notwithstanding that nothing further covenanted betwix him and his host, and therefore he is discharged not the horse, the man may stay his horse.

Also there is consideration of nature and blood, & valuable consideration, and therefore if a man be indebted to divers others, yet notwithstanding in consideration of natural affection give his goods to his son or cousin, that be construed a fraudulent gift within the act of 13. *Eliz. cap. 5.* because that this Act intendeth valuable consideration.

Conſistory.

Conſistory is the Council of Eccleſiaſtical perſons, it is a word borrowed of the Italians, or rather the Lombards, ſignifies as much as tribunal, is *vocabulum utriusque juris*, uſed for the place of Juſtice in courts Chriſtian or Spiritual.

Convocation.

Convocation is commonly taken for the aſſembly of the Clergie to conſult of Eccleſiaſtical matters in time of Parliament: and as there are two houſes of Parliament, ſo there are two

Termes of the Law.

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called Convocation house, the one called the higher Convocation house, where the Archbishops and Bishops sit severally for themselves; the other, the lower Convocation house, where the rest of the Clergie are be-
vide Prolocutor.

Consolidation.

Consolidation is used for the combining and uniting of two benefices in one; and this word taken from the Civile Law, where it properly signifieth, a uniting of the possession, occupation, or profit, with the property: as if a man hath by legacy, *usum fructus fundi*, and after purchaseth the property or fee-simple of the land, in this case a consolidation is made of the profits and property.
vide Brook, tit. Union.

Conspiracie.

Conspiracie, notwithstanding that in Latin and French it is used for an Agreement of men to do a good or evil thing, yet it is commonly taken in the Law in the evil part: It is defined in 34 Ed. 1. Statute 2. to be an agreement of such as conspire to bind themselves by oath, or other allyance, that any of them shall beare and ayde the other falsely and maliciously, to take or falsly to move or maintain Plees; and also such as shall cause any Children within age to appear as of Felony, whereby they are imprisoned and sojourned: and such as maintaine any in the Country with Libe-

appel meassés de Convocatio, l'un appel le plus alt meassé de Convocation, ou les Archevesques & Evêques sedont severallment p eux mesmes, l'auter le inferior meason de convocation, ou tout le residue des Clerks sont be-
flow. vide Prolocutor.

Consolidation.

Consolidation est use pur le combinancie & unificence de deux Benefices en un; & cest parol est prise de le Ley Civile, ou il properment signifie un uniting del possession, occupation, ou profit oue le property: come si home ad p legacy, *usum fructum fundi*, & puis purchale le property, ou fee-simple del heire, en ceo case un consolidation est fait des profits & property, *vide Brook, tit. Union.*

Conspiracie.

Conspiracie, nient obstant que c'est Latyn & François est use pur un agreement des homes, a faire un chose bone ou male, suncore il est communement prise en le ley en l'male part: Il est define en 34 Edw. 1. Stat. 2. destre un agreement de tiels q consederot ou lieroit eux mesmes p serment, covenant, ou auter allyance, que chescun de eux portera & aidera l'auter faulxment & maliciousement, d'enditer, ou faulxment a mover ou maintenir Plees, & auxy tiels, q causat Enfants deins age d'appeler hoës de Felony, p que ils sont imprison & durement grievé: & tiels que reteignent gens en le pais oue liveries ou fees
de

The Exposition of

de maintenir lour actions mallicious, & ceo extend cybié a les prisors come les donors. Auxy Seneschals & Reeves de grand Seigniors, que per lour Seignorie, Office, ou poyar, assume de porter ou maintenir quarrels, plees, ou debates que concernount auters parties, que tiels que touchant lestate de lour Seigniors, ou deux mesmes, *Anno 4. Edward 3. cap. 11. 3. Hen. 7. cap. 13.* Et de ceo vies plus, *1. Hen. 5. cap. 3. 18. H. 6. cap. 12.* & auxy en le veiel Lieure de *Entries*, verb. *Conspiracie*.

Et ceo parol en les lieux devaunt rehearse; il prise plus generalment, & est confound oue Maintenance & Champertie, mes en un plus special signification il est prise pur un Confederacie parenter deux, ou plusors, fausement enditer un, ou de procurer un destre endicte de Felonie: Et le punishment de Conspiracie sur un Indictment de Felonie al suit le Roy, est, Que le partie attainit perdera son Frank Ley, al entent que il ne soit impannell sur Juries, ou Assises, ou tiels semblables employments put le testification del voyertie: Et sil ad a faire en le Court le Roy, que il fait son Attorney, & que ses Terres, Biens, & Chattels, sont seise en les maines le Roy, ses Terres estreape, ses Arbres desoffe, & son corps commise al prison, *27. Lib. Assise 59. Crompton 156. b.* ceo est appel villanous judgement.

ries and fees to maintain mallicious enterprises, and extendeth as well to the Seneschals and Bayliffs of the Lords. who by their Office, or Power, undertake to beare or maintain quarrels, or debates that concern other parties than such as are the Estate of their Lords, or themselves, *Anno 4. Edward 3. cap. 11. 3. Hen. 7. cap. 13.* therefore see more, *1. Hen. 5. cap. 3. 18. H. 6. cap. 12.* and also in the old Booke of Entries, word Conspiracie.

And this word in the before rehearsed, is taken generally, and is confounded Maintenance and Champerty, but in a more speciall signification it is taken for a confederacie betwene two, or more, to indict one, or to procure to be indicted of felony: the punishment of Conspiracie upon an Indictment of felony at the Suite of the King. That the party attainit lose his Frank Lawe, to the entent that hee be not impannell upon Juries or Assises, or tielke employments, for the saying of the truth: And that hee makeh his Attorney, and that his Lands, Tenements, and Chattels bee seised in the Kings hands, his Terres estraped, his Trees digged up, and his body committed to prison, *27. Lib. Assise 59. Crompton 156. b.* this is called villanous judgement.

But if the party grieved
fuer un Brieſe of Conſpiracy,
ſee Fitz. N. B. 124. d. 115.

Mes ſi le partie grieve voyle
fuer un Brieſe de Conſpiracy,
donque veies Fitz. N. B. 124. d.
115. i. &c.

Conſtable.

Conſtable.

Conſtable is diſtinctly uſed in
the Common Law: And firſt
Conſtable of England, who
is called Maſſhall, Stawn.
Cor. fol. 65. of whoſe autho-
rity and dignitie a man may finde
many arguments and ſignes, al-
ſo in the Statutes, as in the
ſtatutes of this Realme: his
office lieth in the care of the
peace of the land, in deeds
and matters of warres,
and Duties of Conſtables,
whereſwith agreeth the
Statute of 13. R. 2. cap. 2. Stat. 1.
The Officer or Magiſtrate,
Gwyn in the Preface to his
Lectures, ſaith to this purpoſe,
The Court of the Conſtable
Maſſhall determineth Con-
tractions touching Deeds of armes
of the Realme, and hand-
ling things concerning warres
within the Realme, as Com-
bats, Blaſons of Armes, and
the like, but he hath nothing
to do with battell in appeals, nor
with any other thing
that may be tryed by the Law
of the Land. See Forteſcue,
De Officio heretofore ſwas
belonging to Lords of certaine
Manors, Jure feudi, and whye it
continued, See Dyer 285.

Conſtable eſt diſverſement uſe
en le Common Ley; Et pri-
merment, le Conſtable D'en-
gleterre, que eſt auxy appel
Maſſhal, Stawn. Pl. cor. fo. 65:
de lauthoritie & dignitie d quel
home poit trover pluſors argu-
ments & ſignes cybien en les
Statutes, come les Chronicles
de ceo Royaulme: ſon poyar con-
ſiſt en le care del Commō peace
del Terre, en faits maſſhal, &
choſes de chivalrie, Lamb. Du-
ties des Conſtables, num. 4. oue
que agree le Statute de 13.
Rich. 2. cap. 2. Statute 1. De
ceo Officer ou Magiſtrate, Mon-
ſieur Gwyn en le Preface a ſes
Lectures dit a tiel effect, Le
Court de Conſtable & Maſſhal
finiſt contractions touchant faits de
Chivalrie, hors del Royaulme,
& treat choſes concernount
guerres deins le Royaulme, come
combats, blaſons d'armorie, &
tiels ſemblables, mes il nad a faire
oue battel en appeale, ne gene-
ralmēt oue aſcun aut choſe que
poit eſtre trye p les leys del tre.
Veies Forteſcue cap. 32. Ceſt
office en temps par devant, ſuit
appteynant al Shirs de certaine
Manors, Jure feudi, & pur quel
cauſe c' diſcontinue, Veies Dyer
285. Pl. 39.

Of this Magiſtracie (ſaith
Lambert) were ſometime theſe
Conſtables, which ſwe

Hors de cel Magiſtracie, (dit
Monſieur Lambert) fuer trahē
ceux ſouth Conſtables, les quels
nous

The Exposition of

nous appellomus Constables des Hundreds & Franchises, & prinmēt ordein per l'estatuf de *Winch. 13. E. 1.* le qual appoint p l' conservation del Peace, & view d'armor, deux Constables Echescū Hundred & Franchise, & ceux sont a cest iour appel alt Cōstables, p c' q l' encrease des gens & peches, ad arere south ceux fait auts en chesc' ville, appel petit Constables, queux sont de semblable nature, mes d'ensorior autoritie al auter.

Ouster ceux la sont Officers de particulier lieux, appel' per cest noīme, cōc Constable del Tower, *Stawn. 152. 1. Hen. 4. 13.* Constable de Exchequer, *15. Henr. 3. Stat. 5.* Constable de Douer Castle *Camb. Brit. p. 239.* *Fitz N. B.* auēm̄t appelle Castelainne *M. Manwood part. 1. cap. 13.* de ses *Leyes del Forest*, fait mention dun Constable del Forest.

Consultation.

Consultation est un Brieſe per que un cause esteant par deuaunt remove per prohibition, hors del Court Ecclesiasticall, ou Court Christian, al Court le Roy, est la returne arere: Car si les Judges del Court le Roy comparont le libel oue le suggestion del partie, trouant le suggestion faux, ou nient proue, & pur ceo le cause destre tortiousment appelle del Court Christeine; donque sur ceo consultation ou deliberation, ils decree ceo destre returne arere, sur que le Brieſe en ceo case ob-

call Constables of Hundreds & Liberties, and first ordein the Statute of Winch. 13. E. 1. which appoints for the conservation of the peace, and view of armor, two constables in each Hundred and liberty, and these at this day called high constables, because the many people and offences, hath caused under these made others in each towne, called petty Constables who are of the like nature, but inferior authority to the other.

Besides these, there are officers of particular places called by this name, as Constable of the Tower, *Stawn. 152. 1. H. 4.* Constable of the Exchequer, *H. 3. Stat. 5.* Constable of Dover Castle, *Camb. Brit. p. 239.* *N. B.* otherwise called Castellan. *M. Manwood part. 1. cap. 13.* of his Forest Lawes, makes mention of a Constable of the Forest.

Consultation.

Consultation is a writ issued by a cause being removed by prohibition, out of the Ecclesiasticall Court or Court Christian, to the Kings Court, is returned thither againe, if the Judges of the Kings Court, comparing the libel with the suggestion of the party, find the suggestion false, or not proved, and therefore the cause is wrongfully called from the Court Christian, then upon consultation or deliberation, they decree it to be returned backe upon the writ in the

is called a Consultation. Of this you may read the Reg. orig. fol. 44. untill fol. 58. N.B. fo. 32. & F.N.B. fo. 50.

Contentement.

Contentement, somerly to be of the freehold land that lieth to the Contentment of dwelling house in his owne occupation; as in Magna Charta cap. 14. in such wordes, & freehold shall not be amerced for a default, but according to the quantity of the fault, and for a default, according to the manner thereof, saving unto him the Contentment of freehold: & a Merchant shall also be amerced, saving to him his Merchandises, and a villeine saving him his wainage.

Continuance.

Continuance in the Common Law is of the same signification with Prorogatio in the Civil Law: As continuance in the next Writ, F. N. B. fol. 244. d. in both which it is said, That if a Writ is in the Tresurie be alleged by one partie, and denied by another, a Certiorari shall be writ to the Treasurer and the Chamberlaine of the Exchequer, & if they doe not certifie in the Chancery that such Record is true, & that it is like to be in the Tower, the King shall send the Justices, repeating the said Writ, and commanding them to continue the Writ. In this signification it is also used

tainc. est appel un Consultation. De ceo vous poyes lier le Regist. orig. fo. 44. ielque fol. 58. Vit. N.B. fo 32. & F.N.B. fo. 50.

Contentement.

Contentement, semble estre le Franktenement Terre que gist al tenement ou maison que est en son occupation demesne; Car en Magna Charta cap. 14. la sont tiels parols, Vn Franke home ne serra amcie pur un petit offence, mes accordant al quantite del offence, & pur un grand offence, accordant al manner de ceo, suivant a luy son contentement ou franktenement: Et un Merchant serra auxy amercy, suivant a luy ses Merchandizes, & un villeine suivant a luy son gainage.

Continuance.

Continuance en le Common Ley est de mesme significatiō oue Prorogatio en le Civile Ley: come continuance ielque le prochaine assise, F. N. B. 154. fol. & 244. d. en queux ambideux lieux il est dit, Que si un record en le Tresurie soit alleger per l'un party & denie per l'auter, un Certiorari serra sue al Treasurer & le Chamberleine d' exchequer, & s'ils ne certifie pas en le Chancery que tiel record est la, ou que est semblable estre en le Tower, le Roy mittera al Iustices, recyting le dit Certificate, & commandant eux de continuer l'assise. En ceo signification est auxy use per Kitchin

The Exposition of

Ritebin 202. & 199. auxy Anno by Kyrchin, 202. and 199.
II. H. 6. cap. 4. Anno II. H. 6. cap. 4.

Custome.

Confuetudin' & seruitiū, est un Briefe, & gift lou ico ou mes ancestors depuis le limitatiō de Assise (pur quel veies le Tiele de Limitation & le Collectiō de Statutes) ne fueront seifies des custōes ou services demō tenāt, mes deuāt, donques ico aūa cē bfe pur recouerer ceux seruices.

Auxy le tenaunt poit auer cest Briefe vers son Seignior, mes apres que le tenant ad count, le Seignior defendra les motes del Count, & repliant dirra, que il ne distreina pas pur les Customes dont le count est, & dōques il countera tout le count de les Customes & Seruices, & donques le tenaunt que fuit pl'deuindra defendant, & defendra per bataille ou grand Assise.

Continual claime.

Continual claime est lou home ad droit de entre en certaine terres dont un auter est seifie en Fee simple, ou Fee taile, & il ne osast enter pur pauour de mort ou batterie, mes approcha cy pres come il osast, & fait claime a ceo deins le an & jour deuant le mort de cestuy que ad le terre, si apres cestuy que ad le terre deuie seifie, & son heire est eins per discent, uncore cestuy que fait tiel claime poit enter sur le heire, nient contristiant tiel discent, pur ceo que il ad fait tiel continual

Custome.

Customes and services to and lyeth wheres I of customs after the limitation Bill (for which, for the Limitation in the common Statutes) were not before customs or services of my before, then I shall have writ to recover those services.

Also the tenant may have writ against his Lord, that the tenant hath declared, Lord shall defend the declaration, and the tenant shall say, that he declares for the customs wherewith the declaration is, and then he declare all the declaration of customs and services, and the tenant, who was plaintiff shall become defendant, and defend by bataille or great

Continuall claime.

Continuall claime is when man hath right to enter in certain lands wherewith he is seised in fee simple, or fee tail, and he dare not enter for fear of death or beating, but he may enter as nigh as he dare, and he shall claime thereto within a year and day before the death of him that hath the lands, or of him which hath the land in fee tail, and his heirs is in by descent, yet he that maketh such entry may enter upon the heir, notwithstanding such descent, in such case that he hath made such continual

claim: but it behoveth that such claim alwayes bee made within the yeare and the day before the entry of the Tenant. for if such a claimant doe not dye seised within the yeare and a day after such claim is made, and yet hee that hath right doth not enter, then it behoveth that hee that hath such right to make another claim within the yeare and a day after the first claim, and after such second claim, to make the third claim within the yeare and day, if he will be sure to have his entrie.

But if the Disseisor dye seised within the yeare and day after the seizure, and no claim made, then the entrie of the disseisor is taken away, for the yeare and day shall not bee taken from the time of the title of the entrie to the growne, but onely from the time of the last claim by him, as is also claid. See more of this in Littleton lib. 3. cap. 7. and in the Stat. 32. H. 8. cap. 33.

Counterplee.

Counterplee is when one bringeth an action, & the tenant in his answer, and plee, toucheth or calumpnieth any man to swarrant his title, or prayeth in ayde of another, which hath better estate than he, as of him that is in the action, or if one that is a stranger to the action, come & pray to be received, to save his estate, if the demandant reply thereto, and shew cause that hee ought not such to be a vouch, or that hee ought not such a one to have ayde, or that such a one ought not to be

claim. Mes il covient que cest claim tous foits soit fait deins l'an & jour devant le mort le rehaunt, car si tiel tenaunt ne morust seise deins l'an & jour apres tiel claim fait, & uncore il que ad droit n'ostast enter, donques covient al cestuy que ad tiel droit de faire auter claim deins l'an & jour apres le primer claim, & apres tiel second claim de faire le tierce claim deins l'an & jour, si il voit este sure de saver son entrie.

Mes si le Disseisor devie seise deins l'an & jour apres le disseisin, & nul claim fait, donques le entrie le disseisee est tolle, car l'an & jour ne serra prise de le temps del title d'entree a luy accrue, mes seulement de le temps del darraine claim per luy fait, come est avandit. Veies pluis de ceo en Littleton, lib. 3. cap. 7. & v. ore lestatute 32. H. 8. cap. 33.

Counterplee.

Counterplee est lou un port un actio, & le tenaunt en son respons & plee vouch pu appel pur aucun home pur garrant son title, ou prayer ayde de auter, que ad melior estate, come de cestuy en la reversion, ou si un estrange al actio, vient & priera destre rescue de saver son estate, si le demandant reply a ceo, & monstre cause que il ne doit tiel home vouch, ou que ne doit de tiel home ayde aver, ou que tiel home ne doit este rescue, cest plee est appel un counterplee

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The Exposition of

al vouchcr, ayde, ou rescrit, come le case est, mes si le vouchcr soit allow, & quant le vouchcr vient eins & demande quel chose le tenaunt ad de luy vouchcr, & le tenaunt monstre son cause, & le vouchcr plede aucun matter de avoide le Garrantie, ceo est appel counterplee del Garrantie.

Countermand.

Countermand, est quaut chose execute par devant est apres per aucun act ou ceremonie frustrate & anient per le partie que ad ceo primes fait. Come si home ad fait son darraine volunt, per que il devise son terre al J. S. & puis il enseoffie auter home de mesme le terre, ore ceo feoffement est un Countermand al volunt, & le volunt quant al disposition del terre est voide. Si feme seise de terre en fee, fist sa volunt en escript, & per ceo devisa que si A. de B. luy survivra, que donque el devise & bequeath a luy & a ses heires sa terre, & apres el entermarrie oue le dit A. de B. ore per prisel de luy a baron & covertur al temps de sa mort le volunt est countermand.

Mes si un Baronesse widow retaine deux Chapleines, selonque le Statute, & puis prist un de nobility a baron, & puis le baron morust, le retainer de ceux deux Chapleines remaine, & els sans novel retainer poient prendre deux Benefices, car loar retainer ne fuit deter-

received, this Plee is called Counterplee to the voucher, or rescrit, as the case is, but the voucher be allowed, and the voucher commeth in a demand what cause the Tenant hath, the tenant sheweth his cause, the voucher plead any thing to the warrantie, that is called Counterplee to the warranty.

Countermand.

Countermand is where a thing formerly executed is after by some act or ceremony frustrated and made voyde, by the party that hath done it first. As if a man had made his last will whereby he devise his land to J. S. and afterwards he devise another man of the same land, there this feoffment is a Countermand to the will, and the will as to the disposition of the land is voyde. If a woman seise a land in fee maketh a will to give it in fee, and devise that if A. de B. survive her, that she devise and bequeatheth to him and his heires her land, and afterwards she entermarieth with the said A. de B. there by taking him to husband and coheir at the time of her death, the will is countermanded.

But if a Baronesse widow retaine two Chaplains according to the Statute, & afterwards taketh one of the nobility to husband, and afterwards the husband dyeth, the retainer of the two Chaplains remained, they without new retainer may take two Benefices, for the

...was not determined nor
...by such marriage.
...woman maketh a lease at
...and afterward taketh a hus-
...this marriage is no coun-
...to the lease without ex-
...matter done by the hus-
...after the marriage to deter-
...the will. Also if a lease be
...to a woman, and she
...husband, the lease con-
...notwithstanding the mar-
...and it is no countermand

Contract.

Contract is a bargain or co-
...between two parties,
...one thing is given for ano-
...which is called (*Quid pro*
...quo) as if I sell my horse for
...money, or if I covenant to make
...a lease of my Mannour of
...Dale, in consideration of xx. li.
...you shall give me, these are
...contracts, because there is
...one thing for another: But if a
...man make promise to me, that
...he shall give xx. s. & that he will
...be debtor to me thereof, and after
...he asketh the twenty s. and he will
...not deliver it, yet I shall never
...have any action to recover this
...twenty shillings, for that that
...promise was no contract, but
...bare promise. And *ex nudo pa-*
......non oritur actio, but if any
...were given for the twenty
...shillings, though it were not but
...the value of a penny, then it
...had been a good contract.

Contra formam collationis.

Contra formam collationis is a
...will, and it lyeth where a

mine ne countermaund per tiel
marriage.

Si feme fist lease a volunt,
& puis prist baren, ceo mar-
riage nest countermaund al
lease sans expresse matter fait
per le baron apres le mariage
a determiner le volunt. Auxy
si lease soit fait al feme a vo-
lunt, & el prist baron, le lease
continue nient obstant le mar-
riage, & il nest countermand
al ceo.

Contract.

Contract est un bargain ou
covenant perenter deux par-
ties, lou un chose est done pur
auter, q est appell(*Quid pro quo*)
cōe si jeo vende mon chival pur
argent, ou si jeo covenant de
faire lease a vous de mon man-
nour de Dale, en consideratiō de
xx. li. que vous dones a moy, ceux
sont bone contracts, pur ceo
q il ad un chose pur auter. Mes
si un hōe fait pmise a moy, que
jeo avera xx. s. & que il voile
este dettour a moy de ceo, &
puis jeo demaunde xx. s. & il
ne voile a moy deliū, uneore
jeo navera jammes action pur
recover cest xx. s. pur ceo que
cest promise ne fuit contract,
mes nudus pactus. Et *ex nudo*
pacta non oritur actio, mes si al-
cun chose fuit done pur le xx. s.
mesque il ne fuit forsque al va-
lue un denier, donques il fuit
bone contract.

Contra formam collationis.

Contra formam collationis est
un briose, & gift lou hōe done
M a terres

The Exposition of

terres en perpetual almoigne a ascun meafon de Religion, come a un Abbe & la Covent, ou auter foveraigne, ou al Gardien ou Master de ascun Hofpital, & fon Covent de trouver certaine pover homes, & de faire auter divine service, fils aliont les terres, donques le donour ou fes heires averont le dit Brieſe pur recover le terre, mes ceſt Brieſe ſerra tous foits port vers le Abbot ou fon ſucceſſour, & nemy vers le alienee, coment que il ſoit tenant: mes en tous auters actions lou home demaund franktenement, le Brieſe ſerra port vers le tenant del terre. Vide le Statute *Westm. 2. Cap. 41.*

Contra formam feoffamenti.

CONTRA formā feoffamenti est un Brieſe, & giſt lou un home devant le Statute de *Quia emptores terrarum*, quel fuit fait *Ann. 18. Ed.* le primer, infeoffe auter per fair de faire certaine service, & le feoffor ou ſes heires diſtraine luy de faire auter service que eſt compriſe en le fait, donques le tenant avera ceſt Brieſe, luy commaundant que il ne diſtraine luy de faire auter service, que neſt compriſe deins le fait, mes ceſt Brieſe ne giſt pur le plaintife que claime per purchaſe del primer feoffee, mes pur tiel plaintife que claime come heire al primer feoffee.

Contributione facienda.

CONTRIBUTIONE facienda, est un Brieſe, & giſt lou ſont divers

man hath given Lands in perpetual almes to any of the houses of Religion, as to an Abbot, and to the Covent, or foveraigne, or to the Master of any Hofpital, his Covent to finde certain men, and to doe other service, if they alien the Lands, the donoꝝ or his heires ſhall have the ſaid writ for to recover the land, but this writ ſhall be ſway brought againſt the donoꝝ or his ſucceſſor, and not againſt the Alienes, although he be tenant, but in all other actions where a man demandeth the writ ſhall be brought againſt the tenant of the land. Statute *Westm. 2. cap. 41.*

Contra formam feoffamenti.

CONTRA formam feoffamenti est writ, and it lyeth where a man before the Statute of *Quia emptores terrarum*, which was made *Ann. 18. Ed.* the first infeoffeth another by deed to do certain service, if the feoffour or his heires diſtraine him, to doe other service than is compriſed in the deed, the tenant ſhall have this writ commanding him that he diſtraine not him to doe other service, that is not compriſed in the deed, but this writ ſhall be brought for the plaintife which purchaſed by purchaſe from the first feoffee, but for ſuch plaintife as claime as heire to the first feoffee.

Contributione facienda.

CONTRIBUTIONE facienda est writ, and it lyeth where

Parceners, and he
with the part of the eldest
make all the suit to the Lord,
ought to make contri-
bution to him, and if they will
he shall have against them
contribution. In some Cases the
shall have Contribution,
in others not, but shall be
charged: For if a man be
seised of three acres of land, and
take together a Recognisance
of A. of one acre, & B. of another acre,
and the third descends to his heire,
an action be sued against the
only, he shall not have con-
tribution against any Purchasor,
but is charged as terre-tenant,
as he is heire, for the land, and
the third is charged. Yet if a
man be seised of 2. acres, the one of
the manors of borough English, &
take himselfe as before, and
having issue two daugh-
ters, they make partition, in this
case if the one be charged, he shall
have contribution, for as one pur-
chaser shall have contribution a-
gainst the other, and against the
Conuisee also, so one
shall have contribution a-
gainst another heire, for the part
of the land. And if a man be
seised of land, and after his death some
of the land descendeth to the heire
of the part of the father, and some
of the part of the mother,
the one alone shall not be
charged, but if he be heire shall have
contribution. In dower if the tenat
be divided the heire in ward to
the several Lords, each of them
shall be equally charged. If two,

Parceners, & celuy que ad le
part del eigne, fait tout le suit al
Seignieur, les auters doyent
faire Contribution a luy, & s'ils
ne voylent, il avera vers eux
le dit Briefe. Et ascuns cas-
les le heire avera Contributi-
on, & en auters nemy, mes
serra solement charge: car
si home soit seisie de troys acres
de Terre, & conuist un recog-
nissance ou statute, &c. & en-
fesse A. d'un acre, & B. d'un
auter acre, & le tierce descend a
son heire, si execution soit sue
solement vers le heire, il n'avera
Contribution vers aucun Pur-
chasor, uncore il est charge cōc
Terre-tenant, & nemy come
heire, car le Terre, & nemy luy
mesme, est lie. Uncore si home
soit seisie de deux acres, l'un
de nature de Burrogh-English,
& lye luy in come devant, &
morust ayant issue deux files,
queux font partition, en cest
case si l'un soit charge, el avera
contribution, car sicome un
Purchasour avera contribution
vers auters, & vers le Heire le
Conuisee auxy, issint un heire
avera contribution vers auter
Heire, car ils sont in-equali
gradu. Auxy si home soit issint
lie, & puis son mort ascun de son
terre descend al heire del part le
pier, & ascun al heire del part
le miere, l'un solement ne serra
charge, mes sil soit il avera con-
tribution. En Dower si le Te-
nant vouch le heire en Garde a
troys severall Seignieurs, ches-
cun serra owelment charge. Si
deux, quater, ou plusors homes

The Exposition of

soyent severallment seisie de Terre, & ils tous joyne en un Recognisaunce, en cest case le Conusee ne poit extend le Terre del ascun des Conusors solement, mes tous doient owelmét estre charge: Car comt que le terre del Conusor mesme poit estre solement extend quant divers homes ont purchasé ascun del Terre subject al recognisance, pur ceo que le purchasour est en auter degree que le Conusor mesme: Uncore un de les Conusours ne serra solement charge, car il estoit en owel degree oue les auters Conusours. Si judgement soit done vers deux Disseisours en Assise pur l'Terre & damages, & lū disseisor morust, l'execuc' en serra agard vers le surviving disseisour q̄ suit party al tort, mes cybien le heire come le disseisor serra owelment, charge. Mes auterment est en personall lien, come si deux sont lie en un obligac', la le charge survivra.

Et en ceux cases ou est dit, Que lun purchasour avera contribution, nest p̄ ceo entend, que les auters donneront ou allowront a luy ascun chose per voy de Contribution, mes doit estre entende, que le partie q̄ est solement extend pur tout, poet per *Audita querela*, ou *Scire facias*, come le case require, defeat l'execution, & per ceo serra restore a tous le mesme profits, & chasser le Conusee de suer execution de tout le fre, issint en cest manner chescun serra contributorye, cessascayoire, le terre de

four, or more men be seised of land, & they all join in Recognisance, in this case the Conusee cannot extend the land any of the Conusours alone, all ought equally to be charged, although that the land of the Conusor himselfe may be extended when divers men have purchased any of the land subject to the Recognisance, because the Purchasor is in another degree than the Conusor: yet one of the Conusours shall be solely charged, for he shall be in an equal degree with the other Conusours. If judgement be given against two disseisors in the land and damages, and the disseisor dyeth, the execution shall not be awarded against the surviving Disseisor that was party to the wrong, but as for the heire as the Disseisor shall be equally charged. But where it is in personall binding, if two are bound in an obligation, there the charge shall survive.

And in these cases where it is said, that the one purchaser shall have contribution, it is not to be intended that the others shall give or allow unto him any thing by way of contribution, but it ought to be intended that the party that is solely intended to be charged may by an *Audita querela* or *scire facias*, as the case requires, defeat the execution, and thereby shall be restored to all the means and force the Conusee to have in execution of all the land, so in this manner every one shall be contributorye, viz, the land of

tenant shall bes equally ex-

chescun terre-tenant serra owel-
ment extend.

Copyhold.

Copyhold.

Copyhold is a tenure for which the Tenant hath nothing to give but the copies of the Rollles made by the Sh. ward of his Court: For the Steward he enrolleth & maketh remembrance of all other things done in the Lords Court. So hes both also the Tenant as bes admitted in the Court, to any parcell of land or tenements belonging to the Mannor, & the transcript of this is called the Court roll, the copy whereof the Tenant taketh from the Steward, & keepeth as his onely evidence. *Co. l. 4. f. 25.* This tenure is called a base tenure, because it holdeth at the will of the Lord, *Kytch. fo. 80. F.N.B. fo. 12. b. c.* Who there sayeth, That it was wont to be called Tenure in Villenage, and that this Copyhold is but a new name: Yet it is not simply at the will of the Lord, but according to the custome of the Mannor, so that if a Copy-holder breake not the custome of the Mannor, and so forfeit his tenure, hes so much to stand as his own estate for ever right, as he is displaced when he pleaseeth. The customes of Mannors are infinite, varying in one point or other almost in every severall Ma-

Copyhold est un Tenur pur q^e le Tenant ad riens a monst^rer forsque les Copies des Rolles fait p^r le Seneschal del Court s^r Seignior: car le Senescal sicome il enrolle & fait Memorandums de tous auters choses en-faits e^t le Court le Seignior, issint il auxy fait de riels tenants que s^r admitte en le Court a ascun parcell de terre ou tenements appartenant al Mannour, & le transcript de ceo est appel l'court rolle, le copie de q^e le T^ent prist de luy, & de tier c^oe son sole evidence, *Co. l. 4. f. 25.* Cest tenure est appel Base tenure, pur ceo q^e tient al volunt le Seignior: *Kytch. fo. 80. F.N.B. fol. 12. b. c.* que la dit, que fuit accustome destre appel Tenure al Villenage, & que cest Copyhold nest forsiqu^e un novel n^ome: Uncore nest meurement al volunt le Seignior, mes accordant al custome del Mannour, issint q^e si un Copyholder ne pas enfreint le custome del Manor, & per e^t forfeit son tenure, ne semble tant destroier al volunt son Seignior pur son droit, come destre lieu quant a luy pleist. Les customes de Manors sont infinite, variant en un poynt ou auter fer^r en chesc^u severall Manor.

First, some Copyhold is fineable, & some certaine: that which is fineable, the Lord rateth at what he pleaseeth, when the Tenant is admitted into it: that which is certaine is a kind of inheritance, &

Primerint ascun Copyhold est fineable, & ascun certaine: ceo q^e est fineable le Seignior assesse a quel fine q^e il voyle quaut le tenant est a ceo admit, ceo q^e est certein est un sort d'enheritance, &

appel & plusors lieux, customary, pur ceo q le Teñt morât, & le tenure esteant void, le pcheine du sangue payât l'customarie Fine ne poit estre denie destre admit.

Secondement, ascun Copiholders ont per custome le boys crescant sur lour terre demesne, que p le ley ils ne poient aver.

Tiercement, la sör Copiholders que tient per l'Verge en anciët demesne, & nient obstant ils tient p Copy, uncore ils sont en nature de Franktenärs; car si tiel hœ fait felony, l'Roy ad an, jour, & vast, cœ en case d'franktenement. Ascun auters tient per common tenure appelle mere Copyhold, & fils committ Felony, lour terre jammes escheat a l Sñr del Manor.

Monsieur west, part. 1. li. 2. sect. 646. issint define un Copiholder, Tenant per Copy de Court Roll est celuy que est admit tenant d'ascun fres ou tenements deins un Man q temps ouster le memory du home, per use & custome del dit Manor ont estre amissable, & demise a tiels q pñderont meisme en fee, ice tales, pur vie, ans, ou a volunt, accordant al custome del dit Manor, per Copy de Court Roll, de meisme le Manor.

Conusance.

Conusance de plea est un privilege que un Citie ou Ville ad del grant le Roy, de tener plee de tous Contracts, & des terres deins le precinct del Franchise, & qñt ascū hœ est impleade pur ascun tiel chose en le Court le

called in many places, Copy, because that the lands by the Hold being voyde, the blood paying the customary cannot be denied to be admitted.

Secondly, some Copyholders have by custom the woods growing upon their owne lands, by the Law they cannot have.

Thirdly, There are Copyholders who hold by the verge in ancient demesne, and although they have Copy, yet they are in nature of Freeholders, for if such a one commit felony, the K. hath the land, and waste, as in case of freehold. Some others hold by common tenure called mere Copyhold, and if they commit felony, the land presently escheateth to the Lord of the Manor.

Walter West, pt. 1. lib. 2. sect. 646. defines a Copyholder, Tenant by Copy of Court roll, which is admitted tenant of lands or tenements within the Manor, that time without the memory of man, by use and custom of the said Manor, have been amissable and demised, to take the same in fee, for life, years, or at will, according to the customs of the Manor, by Copy of Court roll of the same Manor.

Conusance

Conusance of plea is a privilege that a Citie or Towne hath of the K. grant, to hold plea of contracts, and of lands within the Precinct of the franchise, & when any man is impleaded by any such thing in the Court of the

in a writ under the Great Seal, the Statute of such Franchises, or the Statute may not be contrary to the plea. That is to say, that the plea of the matter shall be determined before them.

And if the Court at Westminster shall seise of the plea, before Conscience be demanded, then they shall not have Conscience for it, because they have negligently wasted their time of default thereof, but this shall be no bar to them to have Conscience in another action, for they may demand Conscience in one Action, and omit it in another Action at their pleasure.

And note, that Conscience lyeth in prescription, but it behooveth to show the Kings Letters Grants for it.

Coraage.

Coraage is an imposition extraordinary, and growing upon some mannall occasion, and is said to be of certayne measures of Graine: Bract lib. 2. cap. 16. nu. 6. by these words, *Corus tritici* to be a measure of Coyne, and in the Statute, Number 8. hath these words. There are certain common services, which are not called *servicia*, neither doe they arise from *Capitulum*, unlesse some necessary occasion happen, or that the King commeth such as are Hidage, Coraage, and Caruage, and many others which are performed in case of necessity by the common consent of the whole Kingdome, and which appertaine not to the Lord of the fee, neither is he bound to

Royal Westminster, les Maiores ou Baylives de tiels Franchises, ou leur Attornies poyent demander Conscience del plee, cestaveoir, que le plee & le matz serra plead & determin devant eux.

Mes si le Court al Westminster soit loyally seise del Plee, devant que Conscience soit demand, donques ils ne averont Conscience par cest sult, p ceo q ils ont negligement surcease leur temps de demander ceo, mes cest ne serra barre al eux daver Conscience en auter actio, car ils poyent demad Conscience en un Action, & omit ceo en un auter Action a leur pleasure.

Et nota, que Conscience ne gist en prescription, mes ils convient monstre Letters Patents le Roy pur ceo.

Coraage.

Coraage est un imposition niet ordinarie & foundue sur ascunient usual chose, & semble destre de certaine mesures de Graine: Bract lib. 2. cap. 16. num. 6. use ceux parols, *Corus tritici* destre un mesure de Graine: & en mesme le Capituler, Numero 8. ad ceux parols, *Sunt enim quedam communes prestationes, que servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenit, vel cum Rex venerit, sicut sunt Hidagia, Coraagia, & Caruagia, & alia plura de necessitate, & ex consensu communitatis regni introducta, & que ad dominum feudi non pertinent, & de quibus nullus tenetur serventem*

The Exposition of

sementem suam acquietare, nisi se ad hoc specialiter obligaverit in charta sua.

acquire his Tenant thereof, hee hath specially covenanted thereunto by his own Deed.

Cordwayner.

COrdiner vel Cordwayner veniunt del Francois Corduanier, id est, Sutor calcearum a corri genere quod Cordovan apud Gallos nominatur. Et est un paroll mult use en nre statute ley, come en 3.H.8.cap.10. & 5.H.8.cap.7. & 1.Jac. cap.22.

Cordwayner, Ordiner or Cordwayner from the French Corduanier that is, a shoemaker, from a word of leather which the French call Cordovan. And it is much used in our Statute as in the Stat. of 3.H.8. cap.7. & 1.Jac. cap.22.

Cornage.

Cornage, est un sorte d'graund Sergeantie, le service de quel Tenure est de ventier un cornu quant aucun invasion des ennies del pais artique est descrite: Et p ceo plusors hoies tiendront leur fre & les pts septentrionale & viró le pariet còmuneint appel l'piet des Picts, *Cam. Brit. p. 609.*

Veies Littleton, fol. 35. Ou dit, Que en les Marches de Escocce afeuns teignent del Roy per Cornag, cest a sçavoir, p ventier un Cornu, pur garner homes de pais, quant ils oyent, que ennies veignent ou voilont enter en Engleterre, quel service est Graund Sergeantie.

Cornage is a kinde of Serjeantie, the tenure which tenure is, to blowe a horn when any invasion of the northern enemy is perceived. by this many Northmen hold their land, about the wall commonly called the Picts wall. *Cam. Brit. p. 609.*

See Littleton, fol. 35. *saith, That in the Marches of Scotland some hold of the King by Cornage, that is to say, by blowing a Horn to warn the Countrey when they have the enemies will come, or to enter into England, which is Graund Serjeantie.*

Corodie.

Corodie est un allowance de meat, pane, boyer, argent, vestments, lodging, & tiels choses necessarie pur sustenance: ceo aucun foits est certaine ou le certaintie des choses est limit, aucun foits uncertain, lou nest limit le certaintie que il aver,

Corodie.

Corodie is an allowance of bread, drink, money, lodging, and such like necessaries for sustenance: sometimes certaine, sometimes uncertain, when the certaintie of things is set downe, sometimes uncertain, when the certaintie of things is not set downe which he shall have.

... of them began by
... by one man to ano-
... it may be for life, years,
... in fee, and some Co-
... of common right, as
... founder of Abbeyes, Pri-
... Nunneries, & other houses
... had authority to af-
... in the same house, when
... standing, for father,
... Cousin, or other man
... would appoint, should take
... if it were a house of Monks:
... if it were founder of a house
... of Nuns, or women, then for
... Mother, Sister, Cousin, or
... woman that he would di-
... father: and alwayes this
... prohibited for, That he that
... a Corodie in a house of
... might not send a woman
... it: For where Corodie
... in a Nunnerie, there it
... not lawfull to appoint a
... to receive the same, for in
... such presentation was
... rejected. And this Corodie
... as well to a common per-
... that was founder, as where
... himselfe was founder:
... where the house was holden
... in fee, there the Te-
... a discharge of
... against all men, except
... afterward charged holden-
... as when the King
... his Writ to the Abbot for a
... Corodie, for such a one, whom
... about, there the house should
... charged for ever, whe-
... the King were founder or
... the Writ of Corodio ha-
... in Fitz. Nat. Br. fol. 230.

Et aucun de eux comence per
Graunt fait per ascū hōe al au-
ter, & poet estre pur vie, ans, en
tayle, ou fee, & ascun Corodies
sont de common droit, sicome
chesc' Founder de Abbeyes, Pri-
ories, Nunneries, & aufs meafōs
de Religiō Papistick, avoyēt au-
thoritie d'assigner tiel en m les
meafōs quant ils fuerōt, pur son
Pere, Frere, Cousin, ou aut hōe
que il voit, que prendroit ceo,
sil fuit un meafon de Moignes:
Et si il soit Founder del meafon
de Nunnes, ou muliers, dōques
ceo pur la Mere, Soer, Cousin,
ou auter mulier que il voile di-
rect al ceo, & touts jours cest
provisō fuit ewe, q il q ad Coro-
die en un meafon de Moignes
ne duist mitter un feme de pnder
ceo: Ne ou Corodie fuit due en
un Nunnerie, la il ne fuit loyal
de appointer un home de recei-
ver ceo, car en ambideux cases
tiel presentation fuit destre re-
ject. Et cest Corodie fuit due cy-
biē a un cōmon pson q fuit Fon-
der, sicome ou le Roy mesme fuit
Founder; Mes ou le meafon fu-
it tenu en Frankesmoigne, la
le Tenure mesme fuit un dis-
charge de Corodie enconter
touts homes, sinon que il fuit
apres charge voluntarī, come
ou le Roy voit mitter son Briefs
al Abbe pur un Corody, pur un
tiel, le que ils admr, la le mea-
son doit estre charge per ceo a
touts jours, si le Roy soit foun-
der ou nemy. Veies Briefs de
*Corodio habendo en Fitz. Natura
Brevium, fol. 230.*

Coroner.

Coroner.

COroner est un ancien Officer de trust, & de graund authorite, ordeine destre un principall Conservator, ou Gardian de le Peace, a porter record des Pleees del Corone, & del son view demesne, & de divers auts choses mult en number, &c. Et pur ceo en temps le Roy *Edward* le premier, cest estatute sequens fuit fait: Pur ceo que petit gentes meins sages soyent eslieus ore de novel communement al Office del Coroner, ou mestier serroit que probes homes, loyals, & sages se, entermellant de cel Office; purview est, que p tous les Counties soyent eslieus sufficient hoies Coroners, de plus loyals & plus sages Chivalers, que mieulx sachant, pussent, & voient a cel Office entendre, & que loyalmnt attachent & representent les Pleees del Corone.

Et nient obstant le Letter de cest estatute ne soit precisement observe, uncore al meins le entant doit estre pursue, cy pres come poit, issint que pur le default des Chivalers, Gentlehoies, furnished ou tiels qualites si ce le Stat. parle (de q ils y ad divers) poyent estre eslieu, ou cest addition, q ils soyent vertuous & hoie conus Christians. Veies de ceo E le Brieve de *Coronatore eligendo*, in *Fitz. Nat. Bre. fol. 163.*

Quant le Coroner est a equirer del mort d'ascun person, ou faire auter chose concernant son office, il doiet ceo faire en pson: Et sur le subit mort d'ascun, il mesme doit veyer le mort corps,

Coroner.

COroner is an ancient Officer of trust, and of graund authority, ordeined to be a principall conservator, or keeper of the Peace, to beare record of the Pleees of the Crowne, and of his view demesne, and of divers other things in number, &c. And thers the time of King *Edward* the firste following was made: Forasmuch as meane men of discreet, now of late are chosen to the Office of the Coroner, where it is requisite, that men, lawfull, and able, should occup such Offices; it is ordeined, That although all sufficient men should be able to be Coroners, one of the wisest and discreetest among which best knowe, could, and attend this Office, and faithfully made and represent the Pleees of the Crowne.

And although the Letter of this Statute be not precisely observed, yet at the least the intent thereof followed, as nigh as might be, that for the default of such Gentlemen, furnished with such qualities as the Statute requireth (of which sort there be many) might be chosen faithful and vertuous Christians. See here the Brieve de *Coronatore eligendo*, in *Fitz. Natura Brevium*, fol. 163.

When the Coroner is to enquire of the death of any person, or to do any other thing concerning his Office, he ought to doe it in person: And upon the suddaine death of any one, hee himselfe ought to view

quant il fait enquirie, ou auter-
ment l'enquirie n'est bone : car sil
voyet enquirer d'aucun mort
person sans luy veyer, cest
sans autoritie, & iustint voyle.
Et si le corps soit enterre de-
vant son venu, il doit ceo
recorder en ses Rolles, al'en-
tent que le Ville ou l'enterreme-
fuisse fait, serra amerce pur ceo
devant les Justices en Eyre, sur
le vieu des Rolles del Coroner.
Et nient moins le Coroner doit
desover le corps hors del terre,
& prendre l'enquirie sur vieu
del corps, come il seroit sil na-
voit este enterre: & la Ville sera
auxy amerce, s'il ne luy enter-
ront, eins suffront luy giser sur
la terre a putrefaction ou grand
ordeur, sans mander al Coroner.
Et si le Coroner soit remisse &
negligent en venir a faire son
Office, apres que les Baylives ou
homes de pais ont mande pur
luy, il sera punie. Coment
per le Ley que Coroner ne
puit enquirer d'aucun felonie,
forsque de mort de home, ta-
men ad este dit, que en Nor-
thumberland ils enqueront
de tous Felonies: Mes sel
authoritie ils maintiennent per
prescription. Si home soit oc-
cise ou merge en les braches ou
sauses del Mere, lou home poit
veier terre d'un part & d'auter,
le Coroner inquirera de ceo,
& nemy l'admiral, pur ce que
le pais poit bien de ceo aver
conifance.

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le Coroner inquirera de ceo,
& nemy l'admiral, pur ce que
le pais poit bien de ceo aver
conifance.

Mes le Coroner del Hostel le
roy ad un exépt jurisdiction
le Vierge, & le Coroner del Cou-
tig

quant il fait enquirie, ou auter-
ment l'enquirie n'est bone : car sil
voyet enquirer d'aucun mort
person sans luy veyer, cest
sans autoritie, & iustint voyle.
Et si le corps soit enterre de-
vant son venu, il doit ceo
recorder en ses Rolles, al'en-
tent que le Ville ou l'enterreme-
fuisse fait, serra amerce pur ceo
devant les Justices en Eyre, sur
le vieu des Rolles del Coroner.
Et nient moins le Coroner doit
desover le corps hors del terre,
& prendre l'enquirie sur vieu
del corps, come il seroit sil na-
voit este enterre: & la Ville sera
auxy amerce, s'il ne luy enter-
ront, eins suffront luy giser sur
la terre a putrefaction ou grand
ordeur, sans mander al Coroner.
Et si le Coroner soit remisse &
negligent en venir a faire son
Office, apres que les Baylives ou
homes de pais ont mande pur
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per le Ley que Coroner ne
puit enquirer d'aucun felonie,
forsque de mort de home, ta-
men ad este dit, que en Nor-
thumberland ils enqueront
de tous Felonies: Mes sel
authoritie ils maintiennent per
prescription. Si home soit oc-
cise ou merge en les braches ou
sauses del Mere, lou home poit
veier terre d'un part & d'auter,
le Coroner inquirera de ceo,
& nemy l'admiral, pur ce que
le pais poit bien de ceo aver
conifance.

tie ne poit enmieddle deins ceo, sicome le Coroner del hostel ne poit entermeddle deins le Couñtie hors del Vierge.

Si le demandant ou plaintife soit nonsute, ou si judgement soit done vers le Ténant ou defendaut ou semblables, les Justices ne unques assesseront alcu amerciament, mes le Clerkes des garrants fait estreats de eux, & deliver eux aux Clerkes d'assise deins chescun circuit a deliver eux al Coroners en chescun couñtie d'assiser ou asseller l'amerciaments, pur ceo que ils sont pense plus indifferent, entant que ils sont elect per tout le Countie.

Si un approver dit que il commence son appeal devant le Coroner per dures, ceo serra trie per le Coroner, & si le Coroner ceo denie, l'approver serra pendus. Per queux cases il appiert, Que le Ley done grand credance & authoritie al Coroners.

Corporation.

Corporation est un chose permanent que poit avera suecession: Et est un assembly & joyning ensemble de divers en un fellowship, fraternitie, & ment, de que un est le teste & principal, les auters sot le corps, & ceste teste & corps joynt ensemble sont le Corporation. Et de Corporations, alguns sont appellez spirituals, & alguns teporals, & de ceux que sont spirituals alguns fueront Corporations de mort persons en Ley, & alguns

of the Countie cannot enter within it, as the Coroner house cannot intermeddle with the Countie out of the Vierge.

If the demandant or plaintiff be nonsute, or if judgement given against the tenant or defendant or such like, the Justices never assesse any amerciament but the Clerks of the Assise maketh estreats thereof, and deliver them to the Clerks of Assise within every circuit, to deliver them to the Coroners in every County, to assesse or asselle amerciaments, because they thought most indifferent, in much as they are chosen by the whole Countie.

If any approver saith that he began his appeals before the Coroner by duresse, this shall be tried by the Coroner, and if the Coroner denyeth it, the approver shall be hanged. By which cases it appeareth, That the Law putteth much credit and authority in Coroners.

Corporation.

Corporation is a permanent thing that may have succession. And it is an assembly of many joined together of many into one fellowship, brotherhood, and unity, whereof one is head and the rest are the body, and the head and body knit together make the Corporation. Some Corporations, some are spiritual, and some temporal, and of those that are spiritual some are Corporations of mortal persons in Law, and some are

and some are by the authority
of the King only, and some have
a mixt authority.

Of those that are temporall,
some are by the authority of the
King only, and some by the com-
mon Law of the Realme.

Corporation Spirituall, and
of able persons in the Law, is
the Corporation consisteth
of a Bishop and Cōvent. & these
beginning of the King, and
of Rome when he had to
do with.

Corporation Spirituall, and of
able persons in Law, is where the
Corporation consisteth of a
Dean and Chapter, Master of
a College, or Hospitall, and this
Corporation had beginning of the
King only.

Corporation Temporall by the
King, is where there is a Mayor
or Comminaltie.

Corporation Temporall by au-
thority of the Common Law, is
the assembly in Parliament, which
consisteth of the King the head of
the Corporation, & of the Lords
Spirituall and Temporall, and
the Commons of the Realme, the
body of the Corporation.

Bodies Politique.

Bodies Politique are Bishops,
Abbots, Priors, Deanes,
Parsons of Churches, and such
others, which have succession in one
person only.

If Land be given to a Mayor
or Comminaltie for their uses,
they have an estate by intendment
determinable. So it is if a
grant be made of Land to a

auterment, & aucuns sont p au-
thoritie del Roy seulement, aucuns
ont estre d'un mixt autoritie.

Et de ceux queux sont tem-
poral, aucuns sont p autoritie de
Roy auxy, & aucuns per le Com-
mon Ley del Roialme.

Corporation Spiritual, & de
mort persons en le Ley, est lou
le Corporation consist d'un Ab-
be & Covent, & ceux ont leur
commencement del Roy, & le
home d Rome quant il y ad a
faire cy.

Corporation Spiritual, & del
able persons en Ley, est lou le
Corporation consist d'un Deane
& Chapē, Master del Colledge
ou Hospitall, & cest Corporation
ad commencement de Roy sole-
ment.

Corporation Temporall per
le Roy, est un Maior & Com-
munalty.

Corporation Temporall p au-
thoritie del Common Ley, est
le assembly en Parliament, le
quel consist del Roy, le teste del
Corporation, & des Seignours
Spiritualls & Temporals, & les
Commons del Royalm, le corps
del Corporation.

Corps Politique.

Corps Politique sont Evē-
ques, Abbés, Priors, Deanes,
Parsons d'un Eglise, & tiels
semblables, queux ont succession
en un person seulement.

Si terre soit done al Maior &
Comminaltie pur leur vies, ils
ont estate per entendment nient
determinable. Issint est si feoffe-
ment soit fait de Terre al Deane
&

The Exposition of

& Chapter, sans parlance de
successeurs. Release d'un Mai-
or pur aucun somme d'argent
due al Corporation en son nomme
demesne, nest bone en Ley. En
casse d'un sole Corporation, ou
corps politique, come Eveque,
Parson, Vicar, Master de Hos-
pital, &c. nul Chattel ou en
action ou en possession alera en
succession, mes les executors ou
administrators de l'Eveque, Par-
son, &c. eux aia nient plus que le
heir d'un privat home poit eux
aver, car succession en corps po-
litique, est enheritance en casse
d'un Corps private. Mes auter-
ment est en casse d'un Corporati-
on aggregate de plusors, come
Deane & Chapter, Maior &
Comminautie & semblables, car
la ils en Judgement del Ley ne
uniques devont. Uncore le casse
del Chamberlaine de Londres
differt de tous ceux, & son suc-
cessor poit en son nomme demesne
aver execution d'un Recogni-
sance conust a son predeces-
sor pur Orphanage money, & le rea-
son est, pur ceo q' en cest casse le
Corporatio del Chamberlaine est
p' custome; & mesme le custome
q' ad luy create & fait un corpo-
ration en succession, quant al
dit special purpose concernant
Orphanage, mesme le Cu-
stome ad enable le successor a
prendre tiels Recognisances,
Obligations, &c. que sont faits a
son predecesor. Et tiel Custome
est foundue sur grand reason,
car les executors ou admini-
strators del Chamberlaine ne
doient entremedde oue tiels

Deane and Chapter, in
speaking of successors. If
a Maior for any summe
due to the Corporation in
name, is not good in
casse of a sole Corporation
Body Politique, as
Parson, Vicar, Master of
Hospital, &c. no Chattell in
action or possession shall
succession, but the
administrators of the
Parson, &c. shall have no
more then the heir of a private
can have them, for succession
Body politique is an inheritance
in casse of a Body private.
otherwise it is in casse of a
Corporation composed of many.
Deane & Chapter, Mayor &
minautie, and such like, in
they in judgement of the
never dye. Yes the case of
Chamberlaine of London
differeth from all these, and his
cessor may in his owne name
execution of a Recognisance
knownedged to his predecessor
Orphanage money, and the
reason is, because that in the
the corporation of the Chamber-
laine is by Custome, and the
some that hath created him
made a Corporation in law
as to the said speciall purpose
concerning Orphanage, the
Custome hath enabled the
for to take such Recogni-
Obligations, &c. that are
to his predecessor. And this
some is founded upon great
reason, for the executors or ad-
ministrators of the Chamber-
laine ought not to intermeddle

Recognisances, Obligations, which by the said Custom are taken in the corporate capacity of the Chamberlaine, & not in his private. But a Bishop, or any sole corporate body, cannot take a Recognisance or Obligation but only in their corporate capacity, & not in their private, for they want power to take a Chattell in the capacity of corporate capacity.

Corruption of blood.

Corruption of blood is when a man is attainted of felony or treason, then his blood is said to be corrupted, by meanes whereof his children, nor any of his issue, cannot be heires to him, nor to any other Ancestour for whom they ought to claime by descent. And if he were a Noble or Gentleman before, he and all his issue are made thereby ungentle, having regard to his Nobility or Gentrie they claime by their father, which cannot be made whole againe by any King's Grant, without authority of Parliament.

But if the King will pardon the offender, it will cleanse the corruption of the blood of those children which be borne after the father, and they may inherite the land of their Ancestour, purchased at the time of the Pardon, and the reverses, but so cannot they claime the land borne before the Pardon. Also he that is attainted of felony or treason, shall not be

Recognisances, Obligations, &c. queux per le dit Custom sont prise en le corporate capacite del Chamberlaine, & nemy en son private. Mes Evesque, Parson, &c. ou ascun sole Corporation q sont Corps politique p prescription, ne poient pnder Recognisance ou Obligation, mes solemt a lour private, & nemy en lour politique capacity, car la fault custome a pnder chattel en lour politique ou corporate capacity.

Corruption de sanke.

Corruption de sanke est quã ascun est atteint de Felonie ou Treason, d'oques son sanke est dit deste corrupt, per reason de quel, ses enfans, ne ascun de son sanke ne poyent estre heires a luy, ne al ascun auter auncestor, pur ceo que ils doient claime per luy. Et sil fuit Noble ou Gentlehome devaunt, il & tous ses enfans per ceo sôt faits ignoble & ungentle, ayant regard al Nobilitie ou Gentrie ils claime per lour pier, que ne poit estre fait sane arere per Graunt le Roy, sans authoritie de Parliament.

Mes si le Roy voile pardon le offendour, il voile purger le corruption del sank des tiels Issues, queux sont nec puis le pardon, & ils poyent inherite le Terre de lour Ancestor, purchase al temps del pardon, ou apres, mes issint ne poyent ils queux fueront nec devaunt le pardon. Auxy il que est atteint de Treason, ou Felonie, ne serra heire

The Exposition of

heire a son piere : Mes cest disability estoppera auters destre son heire, issint que durant son vie le Terre potius escheatera al Seignior del Fee, que descend al auter.

Mes si il q est attrainte, morust sans issue de son corps, durant le vie son Auncestour, dunque son puisne Frere, Soer, ou Cosine inheritera : Car si leigne fits soit pendus, ou abjure le Terre, pur Felonie, durant le vie le Pere, il nest impedist mes q le puisne fits puit inheriter, 27. *Ed. 3. 77.* Et sil que est attraint de Treason ou Felonie, en le vie de son ancestor, purchase le pardon le Roy devaunt le mort son Auncestour, uncore il ne serra heire al dit Auncestour, mes le Terre potius escheatera al Seignior del Fee, per le corruption del sanke, 26. *Ass. placit. 2.* Mes si leigne fits soit Clerke convict en le vie son Piere, & puis son Piere morust, en cest case il inheritera la Terre son Pere, p ceo que il ne fuit attraint de Felonie, car p le Common Ley il serroit inherite puis que il ad fait son purgation. Et jammes per le Stat. de 18. *Eliz. cap. 6.* il serra subit enlarge puis le arser en le maine, & deliver hors de prison, & nient commit al Ordinary a faire son purgation, mes il est en mesm plite come il ad fait son purgation.

Si home que ad terre en droit sa feme, ad issue, & son sanke est corrupt per attrainder de Felony, & le Roy luy pardon, en cest case si le feme morust devant

heire to his father: but the disability shall hinder others to heire, so that during his life the Land shall rather descend to the Lord of the Fee, than to another.

But if he which is attrainted without Issue of his body during the life of his ancestor, his younger Brother, Sister, or Cousin, shall inherit: for if the eldest son be hanged, or abjured the Realm for Felony during the life of the father, it is no impediment but that the youngest son may inherit, 27. *Ed. 3. 77.* and if he be attrainted of Treason or Felony in the life of his Ancestor, he shall purchase the Kings pardon before the death of his Ancestor, yet he shall not be heire to the said Land, but the Land shall rather descend to the Lord of the Fee by the corruption of the blood, 26. *Ass. placit. 2.* But if the eldest son be a Clerke convict in the life of his father, and after his fathers death he be in case hee shall inherit his fathers Land, because hee was not attrainted of Felony, for by the Common Law he should inherit, if he had made his purgation, now by the Stat. of 18. *Eliz.* he shall be forthwith intreated to burning in the hand and taken out of prison, and not comitted to the Ordinary to make his purgation, but hee is in the same plite as if he had made his purgation.

If a man that hath land in right of his wife, hath issue, and his blood is corrupted by attrainder of Felony, & the King pardon him in this case if the wife be

... he shall not be Tenant
... the curtille, for the corruption
... of that illoc. But it is
... if he hath Issue after
... for then he shall be
... by the curtille, although
... which he had before the
... be not inheritable, 12. H.

man seiled of Land hath issue
the eldest is attained
in life of his father of fe-
and therefore executed, or
died dyeth during the life of
father, & after the father dyeth
of the land, the land shall
unto the youngest sonne, as
unto his father, if the eldest
be no more then alive. But
if the son which was attain-
ed and thus alive, which
have inherited but for the
time, the land shall issue to
his issue, & shall not descend to the
youngest brother, because that the
eldest brother is co-
H. 8. Dy. 48.

It is to be noted, that there are things made treason by a Parliament, whereof altho' a man be acquitted, he is not corrupt, neither has he forfeit any thing but such as he hath for his owne sake. If a man be attainted upon a statute of 5. Eliz. ca. 1. or by a bill of attainder, the maintaining of the same by the Bishop, & Sec of State shall not extend to any destruction of blood, the forfeiture of any lands, forfeiture of office, nor to the prejudice of the Title of any person, from the offender or offend-

luy, il ne serra Tenant per le
curtesie, pur le corruption del
sank de cel issue. Mes auter-
ment est fil ad issue puis le par-
don, car donque il serra Tenant
per le curtesie, nient obstant que
le issue que il avoit deyaunt le
pardon ne soit enheritable, 13.
H. 7. 17.

Si home seisse de Terre ad
issue deux firs, & leygne est at-
taint en le vie son piere de Felon-
nie, & pur ceo execute, ou auter-
ment moruist durant le vie de
son piere, & puis le pere moruist
seisse del Terre, le terre dis-
cendra al puisne firs, come heire a
son pere, si leigne firs nad issue
donques en vie. Mes si le eigne
firs que fult attaint ad ascu issue
en vie, que inheriteras mes pur le
attainder, le Terre estehera al
Seignour, & ne discendera al
puisne frere, pur ceo que le sank
del eigne frere est corrupt, 31.
Gen. 8. Dy. 48.

Mes est deſtre obſerue , Que
la ſont aucuns choſes fait Trealon
per Act de Parlement, de queux
comment que hoine ſoit attain,
uncorẽ ſon ſank neſt corrupt, &
il forfeſtera fiens forſq; ceo que
il ad pur ſon vie demefne. Come
fi hoime ſoit attain, ſur le Star. de
5. Eliz. cap. 1. ordeigne enuers
le maintenance del authoritie
del Eueſq; & See de Rome, ceo
ne extendra a faire aucun cor-
ruption de ſanke, le diſheritance
d'aucun heire, forfeſture d'aucun
Dower, ne al prejudice del droie
ou title d'aucun perſon , auter
que le offendor ou offendours

N z durans

The Exposition of

durant son ou lour natural vies
solement.

Issint si home soit attaint per
force del Statute de 5. *Elizabeth*,
cap. 11. provide encounter le
clipping, washing, filing, & rou-
ding dargent, uncore la nest
asc' corruption de sanke. En
mesme le manner est del Stat.
de 18. *Elizabeth*, *ca. 1. 1. Jac. c. 12.*
1. Mar. cap. 12. encounter illoyal
assemblies: & 5. *Eliz. cap. 14.* en-
couter le forger de faits: Et le
Stat. de 31. *Eliz. cap. 4.* encoüter
le embeasilling L'ordinâce, Ar-
mour, & Artillery le Roigne.

Corse present.

COrse present sont parols sig-
nifiant un le Mortuarie, &
le reaso pur q Mortuarie est is-
sint appel, semble destf pur ceo,
q ou un Mortuarie soloit destre
due, le corps del mieux des avers,
fuit solong; le Ley ou Custome,
offer ou present al Priestre. Vies
An. 21. H. 8. cap. 6. ou enter auf
choses est enact, Que nul Mortu-
ary ne Corse present, ne alcun
sum ou summes d'argët, ou auter
chose pur alcun Mortuarie ou
Corse present, serra demaund,
prise, receive, ou ad, mes solemt
en tiels lieux & Villes ou Mor-
tuaries ont estre accustome de-
stre prise & pay.

Cosinage.

COsinage est un Briefe, &
gift lou mon Besayel, mon
Trelayel, ou auter Cosine
devie seise en Fee-simple, & un
estrange abata, cest adire, enter
en les Terres, donques jeo aia

doys during his or their
libes onely.

So if a man be attaint
force of the Stat. of 5. *Elizabeth*
11. provided against the clip-
ping, washing, filing, and rou-
ding money, yet there is no cap-
of blood: In the same man-
it of the statute of 18. *Eliz. ca.*
1. Jac. ca. 12. 1. Mar. cap. 12.
unlawfull assemblies: and 5.
cap. 14. against the forging of
dence: and the Statute of 31.
cap. 4. against the embeasling
the Quenes Ordinance, &
of Artillery.

Corse present.

COrse present are words
signifying a Mortuary, & thus
why the Mortuarie is so called
seemeth to be because that the
Mortuary was wont to be
the body of the best beast
according to the Law of Can-
offered or presented to the Pri-
est. See Anno 21. H. 8. c. 6. Where
among other things it is enacted
that no Corse present, nor
sum or summes of money, or
thing, for any Mortuary or
present shall be demanded, re-
ceived, or had, but only in
places and townes where Pri-
aries have bene accustomed
taken and paid.

Cosinage.

COsinage is a writ, and is
where my great Grand-
my Grand-fathers Grand-
or other Cosin dyeth seised
simple, and a stranger shall
viz. entretly into the lands.

shall be against him this
or, or against his heire, or his
or, or against whomsoever
commonly after to the said
But if my grandfather die
and a stranger abateth, then
shall have a writ of Ayl. But
my father, Mother, Brother,
Uncle, or Aunt, dye seised,
a stranger abateth, then I shall
have a Writ of Mortdancester.

Cottage.

Cottage is a little house for ha-
bitation of poore men, without
any land belonging unto it, where
mention is made in the first
statute made in 4. E. 1. And the
tenant of such a house is called
Cottager: But by a Statute
made in the 31. yeare of Queene
Elizabeth. cap. 7. no man may at this
time build such a Cottage for ha-
bitation, unless hee lay unto it
an acre of frehold land, except
in Market-townes, or Cities, or
within a mile of the sea, or for ha-
bitation of labourers in Mines,
miners, forsters, Sheepe-
steeles, &c.

Covenant.

Covenant is an Agreement
made by Deed in writing, and
between two persons, where
one of them is bounden to the
other to performe certaine cove-
nants for his part, and if the one
of them doth not his covenant
or breaketh it, then hee which
is broken feeleth himselfe grieved,
and hath thereupon a writ of co-

And Covenants are either in

vers luy cest briefe, ou envers son
heire ou son Alience, ou envers
quecunque q̄ aveign' apres a les
dits Terres. Mes si mon Ayl de-
vie seiscie, & un Estranger abate,
donques jeo avera un Briefe de
Ayl. Mes si mon Pier, Mier,
Frere, Soer, Uncle, ou Aunt,
devie seiscie, & un estranger aba-
ta, donques jeo avera un Assise
de Mortdauncester.

Cottage.

Cottage (*coragiū*) est un petite
meason pur le habitation des
povers homes, sans ascun terre a
ceo apperteināt, dont mentio est
fait en le primer stat. fait ē 4. E.
1. & le inhabitant en tiel mea-
son est appelle un Cottager. Mes
p un Stat. fait en 31. le Roigne
Elizabeth. ca. 7. Nul hōe poit ore edi-
fier tiel cottage pur habitation,
sinon q̄ il fait giser a ceo quater
acres de terre de franktenement,
except en Cities & Market Bo-
roughs, ou deins un mille del
mere, ou pur le habitatio des la-
borers en Mines, Saylers, Fo-
resters, Pastors, &c.

Covenant.

Covenant est un Agreement
fait p Fait en escript, & en-
seale parenter deux persons, lou
chescun de eux est tenu al au-
ter de performer certeyne Co-
venants pur son part, si lun de
eux ne tient passé son Cove-
nant, mes enfreint ceo, don-
ques celuy que se sent de ceo
grieve, avera ent un Briefe de
Covenant.

En Covenants sont ou en Ley

The Exposition of

ou en Fait, *Coke Lib. 4. fol. 80.*
 oue Covenant expresse, & Cove-
 nant en Ley, *Coke Lib. 6. fol. 17.*
 Un Covenant en Ley est ceo q
 le Ley entend destre fait nient
 contristant q en parols ne soit
 expresse: Come si home dem. se
 un chose al autre, pur un cer-
 taine terme, le Ley entende un
 Covenant del part le Lessor, que
 l'lessee tiendra tout son terme
 enconé tout loyal encumbrances.
 Covenant en fait est ceo que ex-
 pressément est agreee parant les
 parties.

Auxy la est Covenant meere-
 ment personal, & Covenant re-
 all, *Fitz. Natura Brev. fol. 145.*
 & il semble adire, Que Cove-
 nant real est per que hōe luy ob-
 lige de passer un chose Real, cōe
 Terres ou Tenements, sicome Co-
 veynant d'levier un fine de Terre:
 Covenant merement personal en
 converso, est ou home covenant
 oue autre per fait, de edefier un
 meason, ou de server luy. Veies
 le veyel lieure de *Entries*, verbo
Covenant.

Mes nota bien, que nul Briete
 de Covenant serra maintenable
 sans especialty, sinon en le City
 de Londres, ou en ascun autre
 tiel lieu, privilege per custome
 & use.

Coverture.

COverture est quauant un hōe
 & un feme sont espouse en-
 ble, ore ascun chose que est fait
 concernout la feme en le temps
 de le continuance de cest mari-
 age perement eux est dit destre
 fait durant le coverture, & le

Law or in fact, Coke lib. 4. fol. 80.
 or Covenant expresse, or Co-
 veynant in Law, *Coke lib. 6. fol. 17.*
 Covenant in Law is that
 the Law intendeth to be done
 though it be not expresse
 words: as if a man demur
 thing to another, for a cer-
 taine terme, the Law intendeth
 a Covenant of the part of the
 lessor, that the lessee shall hold
 all the terme against all lawfull
 encumbrances. Covenant in fact is
 that which is expressly agreed between
 the parties.

Also there is a Covenant
 merely personal, and a Covenant
 real, *Fitzherberts Natura Brevium*
fol. 145. and he seemeth to say
 that a Covenant real is whereby a
 man bindeth himselfe to passe a thing
 real, as Lands or Tenements, or
 a Covenant to levie a fine of
 Lands, &c. a Covenant merely personal
 is the other side, in which a man
 covenanteth with another by
 deed, to build a house, or to serve
 him, &c. See the old Books of *Entries*
 under the word Covenant.

But note well, That no
 Covenant shall be maintainable
 without especialty, but in the
 City of London, or in some
 other place privileged by
 custom and use.

Coverture.

COverture is when a man
 and woman are married together,
 now whatsoever is done
 by the wife in the time of
 continuance of this marriage
 between them, is said to be done
 during the Coverture, and

is called a woman covert, whereby is disabled to contract with any one, to the prejudice of her husband, without his consent and privitie, at the request of his allowance and confirmation. See Brooke this. And Bracton saith, that all women that are the wives, are the covert, neither hath the wife any power of her selfe, but the husband, lib. 2. cap. 15. and the husband is the head of his wife, lib. 4. cap. 24. and againe, that in any law suit she cannot answer without her husband, lib. 5. tract. 2. cap. 3. And if the husband alien his land during the coverture, she cannot gainsay it during the life.

Covin.

Covin is a secret assent determined in the hearts of two or more, to the prejudice of another: as if a tenant for terme of life, or in taile, will secretly conspire with another, that the other should recover against the tenant in the land which he holdeth, to the prejudice of him in the reversion.

Cui in vita.

Cui in vita is a writ, and it lyeth where a man is seised of lands in fee-simple, or fee-taile, or for terme of life, in the right of his wife, and alieneth the same land, without her assent, then she shall have the writ to recover the land. And note well, that in this writ it must be shewed whether it be of the purchase of a woman, or of the heritage of a woman. But if the husband

feme espouse est appel un feme Covert, & p ceo disable de contracter one aucun al prejudice d sa mesme ou sa Baron; sans son consent ou privitie, al meins sans son allowance ou confirmation. Vies Brooke cest Title. Et Bracton dit, Que tous choses q sont la Femmes, sont le Barons, nec ad la feme poyar de sa mesme, mes le Baron, lib. 2. cap. 15. & que le Baron est le teste sa feme, lib. 4. cap. 24. & arere, que en aucun chose legal el ne poit responder sans sa Baron, lib. 5. Tract. 1. cap. 3. Et si le Baron alien le terre sa feme durant le couverture, el ne poit ceo dedire en le vie sa Baron.

Covin.

Covin est un secret assent determinee les cœurs de deux ou plusieurs, al prejudice d'un autre: Come si tenant pur terme d vie, ou tenant en le taile secretment conspire avec un autre, que l'auter recouvrera vers le tenaunt pur vie le terre que il tient, &c. en prejudice de celui en le reversion.

Cui in vita.

Cui in vita est un Briefe, & gift au home est seise de terres en fee-simple, ou fee-taile, ou pur terme de vie, en droit sa feme, & aliena mesme le terre, & devie, donques el avera le dit Briefe pur recouvrer la terre.

Et nota bien que en cest Briefe son titre doit estre monstre, si soit de purchase la feme, ou de le heritage la feme. Mes si le Baron alien le droit sa feme,

The Exposition of

& le Baron & la feme deviont,
le heire le ferge avera un Briefe
de *Sur cui in vita.*

allen the right of his wife,
the husband and the wife by
wibes heire may have a
Sur cui in vita.

Cui ante divortium.

Cui ante divortium est un
Briefe, & gift en semble man-
ner, quant tiel alienation est fait
per le baron del terre la feme, &
puis divorce est ew inter eux,
donques la feme avera cest
Briefe, & le Briefe dirra, *Cui
ipsa ante divortium contradicere
non potuit.*

Cui ante divortium.

Cui ante divortium is a
and it lyeth in like manner
when such alienation is made
the husband of the wives
and after divorce is had between
them, then the woman shall have
this writ, and the writ shall say
To whom shee before the divorce
might not gainsay.

Count.

Count est tant cōe l'original
declaration en un proces, un-
core plus tost use en real q̄ per-
sonal actions, cōe declaration est
plus apply al personal que real,
F.N.B. 16. a. 60. d. n. 71. a. 191. e. 217. a. Libel oue les Civilians cō-
phéd ambideux. Et uncore cōut
& declaration sont ascun foits
confound, come count en der,
Kit. 281. Count ou declaration
en appeale, *Pl. Cor. 78.* Count en
trñs, *Brit. cap. 26.* Count en
action de trñs sur le case p̄ sclan-
der, *Kitch. 252.* Conteurs ad este
prise p̄ tiels q̄ux hōe receive de
pler pur luy en asc' Court, cōe
advocates, & *Pledeurs* dene un
auter sort, come Attornies pur
un que en present en p̄son mes
souffre un auter a dire pur luy.
Countours per M. Horne, sōt tiels
Sergeants erudite en les leyes
del terre que servont les laye
gents de pronouncer & defendier
leur actions en judicature pur
leur see,

Count.

Count is as much as the ori-
nall declaration in a pro-
cess enough moze used in real
personall actions, as declar-
is moze applyed to personall
real, *F.N.B. 16. a. 60. d. n. 71. a. 191. e. 217. a.* Libel with the Count
comprehendeth both. In
count and declaration be used
ded sometimes, as count in
Kit. 281. Count or Declaration
appeale, *Pl. Cor. 78.* Count in
pag, *Brit. c. 26.* Count in action
trespass upon the case for a slan-
der, *Kit. 252.* Conteurs hath been
taken for such as a man retaineth
to speake for him in any court
advocates, and *Pledeurs* to be
ther sort, as Attornies for one
is present him selfe, but suffer
another to speake for him.
Countours by M. Horne, are such
grants skilfull in the Law of
Realme, which serve the count
people to pronounc and defend
their Actions in judgement
their see.

Count

Countee.

Countee.

Countee is called à comitando, because they accompany the King; and this was the most eminent and high dignity from the conquest, until the 11. years of R. 1. when the black Prince was Duke of Cornwall, and which of ancient time were Countees were of the House of Cornwall, and at this day they are in all his appellations which they by the name of Our most dear Cousin, and for these causes the Law giveth them high and great privileges, and therefore their body shall not be arrested for trespass, &c. because that the King intends that they assist the King with their Council for the better good, and keeps the peace by their prowess and valour. Also for the same cause they shall not be put in Juries, although that it be for the service of the Countrey. Also if issue be taken, whether the plaintiff or defendant be a Countee or not, this shall not be tried by the Countrey, but by the Kings writ. Also the Countee shall not have a day of delay against a Lord of the Realm, because that he is intended to attend the publicke. And of ancient time the Countee was called Præpositus Comitatus, and had the charge and custody of the Countie: and now the Countee hath all the authorities of administration and execution of Justice which the Countee had, Coke lib. 9. fol. 49. and therefore is called Viscount.

Countee dicitur à comitando, quia comitantur Regem; & ceo fuit le plus eminent & supreme dignitie del conquest, jelsque le unzisme an del Roy Ed. 3. ou le Black Prince fuit create Duke de Cornwall, & ceux q de anciēt temps fueront create Countees fueront de sanke Royal, & jelsq; a cest jour le Roy en tous ses appellations stile eux p le nom Charissimi consanguinei nostri, & pur ceux causes le Ley done a eux haut & grand privileges, & pur ceo lour corps ne serra arrest pur det, trespass, &c. pur ceo que le Ley entend que ils assistent le Roy oue lour council pur le weale publique, & gardent le Royalme en safetie per lour prowess & valour. Auxy pur mesme le cause ils ne serra mise en Juries coment que ceo soit pur le service del pays. Auxy si issue soit prise, si le plaintiff ou defendant soit un Countee ou nemy, ceo ne serra trie per pais mes per le Brieve le Roy. Auxy le defendant navera jour de grace vers le Seignior del Parliament, p ceo que il est intend d'atteinder de publique. Et d'anciēt temps le Countee fuit Præfektus seu Præpositus Comitatus, & ad le charge & custodie del Countie: Et ore le Viscount ad tout l'autoritie pur administration & execution de Justice que le Countee avoit, Coke lib. 9. fol. 49. Et p c'est appellé Viscount.

Countenance.

The Exposition of

Countenance.

Countenance semble destre use pur credance ou esteenie: *Veiel N. B. III.* in ceux parols: Auxy l'attaint serra grantus as povers homes q̄ prendront leur serement q̄ ils ont riens de que ils poyent de faire leur fine, ouster leur countenance. En mesme le manner est use, *1. Ed. 3. Stat. 2. cap. 4.* en ceux parols, Viscounts chargeront le debtors le Roy oue tant q̄ ils poyent le vier oue leur serements, sans abatement del countenance des debtors.

Countie.

Countie est tant en significac' come Shire, ambideux contenant un circuit ou portion al roialme en q̄ tout le terf est ap- porc' p̄ le mieux governance de c', & plus facile administrac' de justice, issint q̄ la né aucun pt del roialme q̄ né pas gist deins asc' county, & chesc' county est gouverne p̄ un annual officer, le quel nous appellomus Vic', que ent' auters duties apperteināt a son office, mit en execut' tous les mandats & judgements des courts l' Roy queux sont destre execute deins cel circuit, *Fortes. ca. 24.* De ceux counties la sōt 4. plus observe que auters, appel Coutrie palatines, cōe le Countie palatine de Lancast. de Chester, & Durhā, & d' Ely, *an. 5. El. c. 23.* la suit auxy l' Coutrie palatine de Hexā, *an. 33. H. 8. ca. 10.* mes de ceo *quare.* Et couty palatine est jurisdiction de cy alt nature, que ou tous ples touchant le vie ou maihem dū hōe, appel ples del

Countenance.

Countenance seemeth to be for credit or estimation: *N. B. III.* in these wordes: attaint shall be granted to men that will take their oaths that they have not any whereof to make their fine their countenance. In the manner it is used, *1. Ed. 3. c. 4.* in these wordes, Shire charge the Kings debtors as much as they may let their Oathes, without the debtors countenance.

Countie.

Countie signifyeth as Shire, both containing a parte or portion of the Shire into the which all the land is divided for the better governance thereof, and more easie string of justice, so that not any part of the Kingdom lies not within some Countie. Every Countie is governed by yearly officer whom we call a Vicar, who amongst other things belonging to his office, hath execution all the commandments and judgements of the Courts that are to be kept within that compass. Forasmuch as these Counties then were remarkable than the others, they were called Countie Palatines. The Countie Palatine of Lancaster, of Chester, of Durham, & Ely, *An. 5. El. c. 23.* there was the Countie Palatine of Hereford, *An. 33. H. 8. c. 10.* but there was not a Countie Palatine of high a nature, that was

touching the life or maim of a man, called pleas of the crown, are usually held and passed in the name of any one. The chiefe Governour by speciall charter from King heretofore did send out writs in their own name, and in things touching justice, as much as the Prince himselfe in Countie, only acknowledging him to be their superiour & Soveraigne. But by the Stat. 17. H. 8. c. 25. this power was much abridged, the which see, and comp. Jurisd. 137. Besides these sort of Counties, there are Counties corporate, as appointed by the Stat. of 3. Ed. 4. 5. in these are certaine Cities or burroughs of the Land upon whom the Princes of this Nation have bestowed such extraordinary liberties, as London, Chester, Gloucester, and others.

County in another signification is used for the County Court, where the Sherife keepeth every year within his charge, either himselfe or his deputy, see for this, Daltons Office of Sherife. Of these Counties or shires in each another, there are reckoned to be 37. in England, besides the shires in Wales.

Court.

It is diversly taken, sometimes for the house where the Lord remaineth with his ordinary, and also the place where Justice is judicially mini-

Corone, soit usualment tenuus & execute en le nosme le Roy, & ne poit estre fait en le nosme d'aucun autre: Le primer Gardeans de ceux p'especial Chartre del Roy en tiemps par devant mitteront hors tous Briefes & leur nosme demesne, & fairont tous choses touchant justice cy absolument come le Roy mesme en auters Counties, seulement conusant luy d'estre leur superiour & Soveraigne. Mes per l'estatute de 27. Hen. 8. cap. 25. cest poyr fuit mult abridge, le quel veies, & *Crompt. Jurisd.* 137. Ouster ceux deux sorts de Counties, la sont auxy Counties corporate, come appiert per L'estatute de 3. Ed. 4. 5. & ceux sont aucun Cities ou veiel burghs del terre sur queux les Royes de cest gent ont done tiel Franchises extraordinaires, come Londres, Eborun, Cestrie, Gloucester, & plusors auters.

Countie en un autre signification est use pur le countie court que le viscont tient chescun moys deins son libertie, ou per luy mesme, ou per son deputie, Veies pur ceo Monsieur Dalton, *Officium Viccom.* De ceux Counties ou Shires un oue autre la sont account destre 37. & Angleterre, ouster les 12. en Gales.

Court.

Court est diversment prise, aucun fois pur le maison ou le Roy est present oue son ordinary attendants, & auxy le lieu ou Justice est judicialment ministre, de

The Exposition of

de queux vous poies trover 32.
several sorts en *M. Crompt. Juris*. bien describe, & de ceux le greinder sort sont Courts de record, aucuns ne sont, & pur ceo esteeme base Courts en respect des autres.

Ouster ceux auxy la sôt courts Christian, islint appel per ceo q̄ ils treat choses especialment appartenant al Christianisme, & tiels que sans bien science en thologe ne poient estre pas bien decide, esteant tenus cy devant p̄ Archievesques & Evesques, cōe del Pape de Rome; mes apres sō ejection ils tiendront eux p̄ l'autorite le roy, *virtute magistratus sui*, come L'admiral D'engleterre tient son Court: Surque il proceed que ils mitont hors lour citations en lour nosmes demesne, & nemy en le nosme le Roy, come les Just. des Courts le Roy, font, & pur ceo come l'appeale de ceux Courts gisera al Rome, jammes per le Statute de 25. H. 8. cap. 19. il gist al Roy en son Chancery.

Court Baron.

Court Baron est un court que chescū Seignior dū Manor ad deins son precincts demesne. De ceo Court & court Leet *M. Kit.* ad escrie un liure pleine d̄ bone erudition. Cest Court cōe semble, en *Coke l. 4. fol. 26.* est come double, & pur ceo si home ayant un Manor en un ville granta l'enhheritance des tous les Copiholds a ceo appartenants a un autre ceo grantee poit tener un Court pur le customary tenants

freed, of which you may see several sorts in *M. Crompt.* well described, and of the greater part are Courts of record, some are not, and therefore are called base Courts in comparison of the others.

Besides these, there are courts Christian, so called, because that they handle matters appertaining to Christianity, such as without good knowledge in divinity cannot be well judged of, being heretofore held by Bishops and Bishops, as the Pope of Rome; but after his rejection they held them by the secular authority, by virtue of his franchise, as the Admirall of England holdeth his Court: Whereupon it proceedeth that they put out their precepts in their own names, and not in the name, as the Just. of the Common Courts doe, & therefore as they peale from those Courts to the King, now by the Stat. 25. H. 8. cap. 19. it lyeth to the King in his Chancery.

Court Baron.

Court Baron is a court that the Lord of a Manor hath in his owne precincts. Of this court and court Leet, *M. Kit.* writ a learned book. This Court as it seemeth in *Co. l. 4. fol. 26.* is twofold, and therefore it is called a Manor in a town where the inheritance of all the Copiholds thereunto belonging together, this grantee may have a Court for the customary tenants and accept of surrenders to him.

and make admittances
grants: The other court is of
Barons, which is properly
the Court Baron, wherein
the Lord is to say, the Free-
holders are judges, whereas of the
Court the Lord or his Ste-
ward is Judge.

Cranage.

Cranage is a liberty to use a
Crane for the drawing up of
goods out of any Ship,
Barge, at any creek or
wharf, and to make profit of it:
It is also for the money that
is paid for that worke,

Creeke.

Reeke is that part of a Haven
whence any thing is lan-
guaged out of the sea.
The word is used in the Sta-
tute in the 5. of Q. Eliz. cap.
14. H. 4. cap. 20. &c.

Curtilage.

Curtilage is a garden, yard, field,
or part of hoide ground lying
between two messuages, and belonging to the mes-
suage West. part. 2. sect. 26. and so
in the 35. H. 8. c. 4. 39. El. 2. Co.
1. fol. 64.

Coutheurlaugh.

Coutheurlaugh is he that wit-
nesseth receives a man unlaw-
fully, or hides him, in
such case he was in ancient time
punished to the same punishment as
the man unlawfully was, Bract. l. 3.
c. 13. nu. 2. It is compounded
of couthe, i. knowne, and utlaw,
i. outlawed, as we now call them,

& accepter surrenders al use
d'auters, & faire admittances &
grants: L'auter Court est del
Franktenants que est proprement
appel le Court Baro, en q les sui-
tors, cest adire, les Franktenants
sont Judges, ou d'auter Court le
Sfr ou son Seneschal est Judge.

Cranage.

Cranage est un liberty pur
user un Crane pur le extrai-
rer des wares ou biens hors dun
neife, bateau ou nassele al ascū
creek ou wharfe, & de faire be-
nefit de ceo: Est use auxy p les
deniers queux sont prises pur ceo
labor.

Creeke;

Reeke est ceo part dunHaure
de quel ascun chose est dis-
charge ou disburden hors del
merē. Et cest paroll est use en
lestatute fait en le 5. an del
Roign. Eliz. 6. 5. & 4. H. 4. 12. 20.

Curtilage.

Curtilage est un garden, yard,
campe, ou piece de vacant fre
gisant pcheine & appertenant
al messuage, west. part. 2. Sect. 26.
& issint est use, 35. H. 8. cap. 4.
39. El. 2. Coke lib. 6. fol. 64.

Coutheurlaugh.

Coutheurlaugh est cestuy que
voluntariment receive home
utlage, & relieva ou cacha luy,
en q case il fuit en veiel temps
liable al m le punishment que le
home utlage m fuit, Bra. li. 3. tra.
13. nu. 2. il en cōpose de couch,
i. conus, & utlaw, utlage, come
nous jammes eux appellonius.
Coucher.

Coucher.

Coucher est un factour que remaine en alc' lieu ou pais p' chivivance, Anno 37. E. 3. c. 16. il est auxy use p' l' common liu en que aucun corporac' entraft lour particular faits p' un perpetual register de eux.

Coucher.

Coucher is a Factor that remaineth in some place by the way for traffick, Ann. 37. Ed. 3. it is also used for the place into which any corporation entreateth their particular and perpetuall remembrance of.

Creansor.

Creansor vènuist del Francois croyance, id est, persuasio, & signifie cestuy q' consist auter oue ascū debte soit ceo en deniers, wares, ou auters choses, & c' paroll est use en le veiel N. E. en le Brieve de *Audita querela*, fol. 66. a.

Creditour.

Creansor or Creditor cometh of the French Croyance, that is confidence or persuasion, it signifies him that trusts with any debt, be it wares, or other things, and the word is used in the old N. E. in the word of *Audita querela*, fol. 66. a.

Croft.

Croft est un petite clause ou pighle adjoynāt al un mease, & est use ou pur pasture ou arable come ceo pleist le owner, Et semble deme. derive del veux paroll (*Creast*) id est, handy-craft, p' ceo que ceux terres sont pur le plus part manures oue le principall craft del owner.

Croft.

Croft is a little Close or adjoyning to an house, and is used either for pasture or as the owner pleases. It seems to be derived from the word (*Creast*) that is to say, handicraft, because that they are for the most part manured with the best skill of the owner.

Cuckingstoole.

Cuckingstoole est un engine invent pur le punishment des scolds & inquiet femmes, & fuit appell en ancien temps un Tumbrell, come appiert p' Monsieur Lambert, en son *Yrenarck. lib. 1. cap. 12.* Et appiert per les cases & Judgements en Eire, en le temps E. 3. que Pillory & Tumbrell sont appédants al un Leet, sans queux droit ne poit

Cuckingstoole.

Cuckingstoole is an engine invented for the punishment of scolds and inquiet women. It was called in old time a Tumbrell, as appears by St. Lambert in his *Yrenarck. lib. 1. cap. 12.* And it appears by the cases and Judgements in Eire, the time of Edward the third, that a Pillory and a Cuckingstoole are appendant to a Leet, without

Right cannot be admitted
to the parties within the
view, Keloway fol. 140. b.

Cuntery.

Cuntery is a kind of trial,
as appeareth by Bracton in
his books. The matter in this
shall be ended by cuntery cun-
tery, betweene coheires, li. 4. tr. 3.
and again in the same place,
writ off Right the businesse shal
be determined by cuntery cuntery:
lib. 4. tr. 4. c. 2. The cause
shall be tried by writ of Right, nei-
ther by battell nor the great As-
sise, but by cuntery cuntery onely, the
summe to be as much as
the ordinary Jurie.

Curfew.

Curfew cometh of two French
words, *Conurir*, to cover, and
Feu, fire: it is used with us for an
evening peale, by which the Con-
querours willed every man to take
care for the raking up of his
fire, and putting out of his light;
for in many places at this
time when a Bell is customably
sounded toward bed time, it is said
that Curfew.

Currier.

Currier is one that dresseth up
leather, and is so
called of the French word *Cuir*,
that is, *Corium*, leather: the word
is in all the Statutes made
for the good making of leather,
1. Jac. cap. 22. &c.

Cursiter.

Cursiter is an officer or Clerke
belonging to the Chancery,

estre fait as parties deins le
view, Keloway fol. 140. b.

Cuntery.

Cuntery cuntery est un kind d'
trial, come appiert p Bract. en
ceux parols, *Negotiū in hoc casu
terminabitur per cuntery cuntery,
sicut inter cohæredes, lib. 4. tra. 3.
c. 18. & arere en m le lieu, In bre-
vi de recto negotiū terminabitur
per cuntery cuntery: & tiercement,
lib. 4. tra. 4. cap. 2. Terminabitur
negotium per breve de recto, ubi
nec duellum, nec magna assisa,
sed per Cuntery cuntery omnino*, le
quel semble destre tant come
per l'ordinary Jurie.

Curfew.

Curfew vient des deux parols
Francois, *Conurir*, couvrir, &
Feu, fire: est use oue nous pur un
peale vespre, per que le Con-
querour command chescun hōe
d' pnder garnie pur le couverture
de son feu, & l'extinguishūt de
son lumen; Issint que en plusors
lieus a cest jour, ou un campane
ē usualmēt tinta pchein tēps d'u
lect, il est dit de tinter Curfew.

Conroieur.

Conroieur est un que dresse &
liquor *Cuir*, & est issint appel
del Frācois parol *Cuir*, id est, *Co-
rium*: Cest parol Currier, est
frequent en tous les statutes
faits pur le bon feasance d' *Cuir*,
come en 1. Jacobi cap. 22. &c.

Cursiter.

Cursiter est un Officer ou
Clerk apperteynant al Chan-
cerie,

The Exposition of

cerie, que fait hors original briefes, 14. & 15. H. 8. cap. 8. Sont appel Clerkes del Course en le serement des Clerkes del Chancery, appointe Anno 18. Edw. 3. Stat. 5. La font de ceux vint quarter en nombre, que ont allotta a chescun de eux asc' Counties en le quel ils font hors tiel original Briefes, que sont per le subject require, & son un Corporation int'eux mesmes.

Custome.

Custome poit estre define destre un Ley ou Droit nient escrie, que esteant establie per veiel use & le consent de nostre Ancestors, ad estre, & jourent est mise en ure. Custome est ou generall ou particul'; genal est c'q' é approve per tout Angliere, de queux vous poyes lier en *Doctor & Student, lib. 1. cap. 7.* plusors fort digne dest'e conus: Particular est ceo que appertient a ceo ou tiel Countrey, come Gavelkind al Kent; ou a ceo ou tiel Seigniorie, Citie, ou Ville.

Custome differt del prescription, p' ceo que Custome est common a plusors, & Prescription, p' l'opinion d'ascun, est particular a cel ou tiel hōe: Auxy Prescription poit estre pur un plus curt temps q' custome, scz. p' cinque ans, ou un anne, ou meins; Cōc si fine soit duement leuy d'fres ou tenements, & ne soit dedit deins cinq; ans, e' est bar'e a chesc' clainr a touts jōurs.

Si home omitteth son continual claime pur un an & jour, donque le Tenant en possession

who maketh out originally 14. & 15. H. 8. cap. 8. called Clerkes of the Course the oath of Clerkes of the Chancery, appointed An. 18. Edw. 3. There are of them 24. in number which have allotted unto them certain Shires, in which they make out such small writs as are by the law required, and are a corporation among themselves.

Custome.

Custome may be defined Law or Right, not written which being established by use, and the consent of our Ancestors, hath bin, and daily is in practice. Custome is either generall or particular; generall that which is currant throughout England, whereof you may see in Doctor and Student, lib. 1. cap. 7. very worthy to be known. Particular is that which belongeth to this or that countrey, or belongeth to Kent, or to this or that Lordship, Citty, or Town.

Custome differeth from prescription, because that custome is common to many, and prescription, by the opinion of some, is particular to this or that man: Prescription may be for a longer time than Customs, scz. for years, or one yeare, or less: if a fine be duly levied of lands or tenements, and be not granted within five yeares, this is a bar to all claime for ever.

If a man omitteth his continual claime for a yeare and a day, then the tenant in possession

an immunity against the
of the Demandant and his
Fitz. Nat. Bre. 79. Out of our
you may have greater
erty; So that this seemeth
true saying, That Pre-
is an exception founded
so long time gone and past,
the Law limiteth for the pur-
of any Action. An example
be taken out of the Statute
1 Hen. 8. cap. 4. which enacteth,
That in all Actions popular, in-
formation shall bee made within
years after the offence com-
otherwise to be of no force.

Custom is also used for the
of toll that Merchants
to the King, to carry in and
merchandises, 14. Ed. 3. stat. 1.
in which signification it is
Custuma in Latine, Regist.
138. a.

And lastly, for such services as
Tenants of a Manor owe unto
their Lord, Old books of Entries,
call Custome.

Custos Brevium.

Custos Brevium is the chiefe
Clerke belonging to the Court
of Common Plees, whose office is
to receive and keepe all the writs,
and to put them upon files, every
term by it selfe, and at the end
of every terme to receibe of the
Prothonotaries all the Records
of the Court, called the Postea.
The Custos Brevium also maketh
out writs of Covenant, and
other writs, and every fine, and
other exemplifications and
transcripts of all the writs & Records
of the Office, and of all the fines

prescribe un privilege enuers
l'entree le Demaundant & son
heire, Fitz N. B. 79. Hors de no-
stre Estatutes vous poïs au plus
grand diversitie; Il s'ent que ceo
semble destre un voier dir, Que
prescription est un exception
founded sur taunt temps ale &
passe, q le Ley limitra pur le pur-
suance dascun Actio. Un exemple
poit estre prise hors del Estatute
de 1 Hen. 8 ca. 4. q enact, que en
tous Actions populars informa-
tio serra fait deins trois ans puis
l'offence committ, autrement destre
de nul vigour:

Custom est auxy use p le tri-
bute ou tolle que Merchants
payeront al Roy de porter eins
& hors merchandizes, 14. E. 3.
Stat. 1. cap. 21. en quel significa-
tion est appel Custuma en Latine,
Reg. orig. 129. a. 138. a.

Et denierment, pur tiels ser-
vices q Tenants dun Manor doi-
ont a leur Seignior, Veyel liuet
D'entries, verbo Custome.

Custos Brevium.

Custos Brevium est le premier
Clerke appartenant al Court
de Common Plees, l'office de ql
est de recevoir & tenir tous les
Briefes, & mitter eux sur files,
chescun Returne per luy mesm,
& al fine de chescun terme de re-
ceiver del Prothonotaries tous
les Records de Nisi prius, ap-
pelle le Postea. Le Custos Brevi-
auxy fait entree des Briefes de
Covenant, & l'Cocord sur ches-
cun fine, & fait hors exemplifi-
cations & transcripts de tous les
Briefes & Records en son Office;

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& de tous les fines levie. Les fines puis que ils sont engrosse, les parts de ceo sont dividee par le *Custos Brevium* & l'Chirographer, de que le Chirographer reteigna tous foirs oue luy le Briefe de Covenant & le note, le *Custos Brevium* reteina le Concord & pee del fine, sur quel pee le Chirographer causast les proclamations destre indorse quant ils tous sont proclaimé.

Custos Rotulorum.

Custos Rotulorum, est celuy q̄ ad le custodie des Rolls ou Records des Sessions del Peace, & come ascuns semble, del Commission del Peace mesme, *Lamb. lib. 4. cap. 3. pag. 373.* Il est tous foirs Justice del Peace & *Quorum*, en le Countie ou il ad son Office, & p son Office il est pluistost appel un Officer ou Minister, que un Judge, par ceo que le Commission del Peace impose ceo especial Charge per expresse parols sur luy, *Quod ad dies & loca predicta brevia, precepta, processus, & indictamenta predicta coram te & districtis Sociis tuis venire facias.*

Custos des Spiritualities.

Custos des Spiritualities est celuy q̄ exercise le Spirituall & Ecclesiasticall Jurisdiction d'ascun diocesse, durant le vacancie del Sec; L'appointment de quel per le Ley Canon, appartenant al Deane & Chapitre, *Ne sede vacante aliquid innovetur:* Mes

lebid. The fines after they are ingrossed, the parts thereof are divided betweene the Custos Brevium and the Chirographer, whereof the Chirographer keepeth alwayes with him the part of Covenant and the note, the Custos Brevium keepeth the concord and the foot of the fine, upon which foot the Chirographer causeth the Proclamations to be indorsed when they be all proclaimed.

Custos Rotulorum.

Custos Rotulorum is he that hath the keeping of the Rolls or Records of the Sessions of the Peace, and as some think, the Commission of the Peace selfe, *Lamb. lib. 4. cap. 3. pag. 373.* Hee is alwayes Justice of the Peace and Quorum, in the Countie where hee hath his office, by his office hee is rather called an Officer or Minister, than a Judge, because the Commission of the Peace layeth this special charge by expresse words upon him, That hee should cause the Writs, precepts, process, and indictments aforesaid; to come to be before him and his fellowes at the dayes and places aforesaid.

Gardian of the Spiritualities.

Gardian of the Spiritualities is that exerciseth the Spirituall and Ecclesiasticall Jurisdiction in any diocesse, during the vacancie of the See; the appointment of whom by the Canon Law, belongeth to the Deane and Chapter, Lest that the See being vacant

...might happen: But
...the Archbishop of the
...hath it by Prescripti-
...many Deanes and
...as *Wyn* saith in
...to his Readings,
...this by ancient charters
...kings of this Land.

Curtessie of England.

...of England, is where a
...a wife seised of
...; as *Fee-taille* general,
...of the taile espe-
...and hath issue by the wife
...female, be the issue dead
...if the wife die, the hus-
...the land during
...by the Law of England:
...is called Tenant by the
...of England, because
...is not used in any other
...but only in England.

...an Infant was never
...a wife, then the husband
...Tenant by the Cur-
...the heading is not ne-
...if the issue be borne a-
...sufficient, and the crying of
...is but a proove of the
...the woman be delivered
...which hath not the
...of mankind, this is not il-
...But although the
...some deformitie or de-
...in the hand or foot, and yet
...shape, it sufficeth to
...the husband Tenant by the
...And in some cases the
...of the birth is materiall, and
...And therefore if a
...marrieth a woman Inheri-
...who is great with childe by
...and the issue is yett forth of

en Anglitterre L'archevesque
del Province ad ceo per Pre-
scription : Uncore plusours
Deanes & Chapiters, come dit
Mounseigneur *Wyn* en le Preface
a son Lectures, ceo demaunde
per veyes Chartres des Roys
de cest terre.

Curtessie D'engleterre.

Curtessie D'engleterre, est lou
hœ prent feme seise en fee
simple, ou fee taile general, ou
seise come heire de la taile spe-
cial, & ad issue per la feme male
ou female, soit issue mort ou en
vie, si la feme devie, le baron ti-
endra la terre durant sa vie, per
la Ley de Angleterre: Et est ap-
pel Tenant per le Curtessie de
Angleterre, per ceo q' est use en nul
autre Royaume, forsque tantsele-
ment en Angleterre.

Mes si l'enfant ne untques soit
oyes ou vise, donque le Baron
ne serra Tenaunt per le Curtes-
sie : Uncore le oyer nest necessa-
rie, car si le issue soit nee en vie,
ceo suffist, & le cryer del Enfant
nest forsque proove del vie. Si
la feme soit deliver d'un Mōster,
que nad le shape de homes, ceo
nest pas issue en la Ley : Mes
comment l'issue ad aucun defor-
mitie, ou defect en le maine
ou pee, & uncore ad humane
shape, ceo suffist de faire le
Baron Tenaunt per le Curtessie;
Et en aucun cases, le temps del
nestre est materiall, & en aucun
nemy : Et pur ceo si home prist
feme enheretrix, que est graūd-
ment enleint per luy, & l'issue
est rippe hors de sa veteir en vie,
O 2 ore

The Exposition of

ore il ne serra Tenaunt per le Curtesie, car ceo doit commencer per l'issue, & consummate per le mort la feme, & lestare de Tenaunt per le Curtesie convient a toller le immediate descent. Mes si Baron ad issue per sa feme, & puis Terre descend al feme, soit l'issue donque mort, ou en vie, il serra Tenant per le Curtesie, car le temps del nestre del Issue nest material, si ceo soit en la vie sa feme. Si terres sont dones al feme, & al heires males de sa corps, & el prist baron, & ad issue fila, & morust, le baron ne serra Tenaunt per le Curtesie car l'issue ne poet per aucun possibilitie inheriter mesme les Tenements. Auxy come un feme alien, espousant un subject del Roy, ne serra endowe, en mesme le maner un home alien nee, ne serra Tenaunt per le Curtesie.

Auxy si home seisie de Terre en droyt sa feme, soit atteint de Felony, ayant issue, & donque purchase le pardon le Roy, & puis son feme morust, la il ne serra Tenaunt per le Curtesie: Mes sil ad issue per son feme nee puis le pardon, en tiel case il serra Tenant per le Curtesie.

Cuynage.

Cuynage est un paroll use en lestatute 11.H.7. cap.4. pur le framer de Estaigne en tiel forme come solot de ceo framer, pur le plus apt portage de ceo en auters lieux.

her belly alive, there he shall be Tenant by the Curtesie, if this ought to begin by the death of the woman, and the issue of the Tenant by the Curtesie shall avoid the immediate descent, if the husband hath issue by his wife, and after land descend to the woman, be the issue then alive, he shall be Tenant by Curtesie, for the time of the life of the issue is not material, if in the life of the woman, he be given to a woman, & the males of her body, and he be an husband, & hath issue a son, & dyeth, the husband shall be Tenant by the Curtesie, if the issue cannot by any possibility inherit the same tenements. If a woman alien borne, married one of the Kings subjects, shall not be endowed, in the same maner a man alien borne, shall be Tenant by the Curtesie.

Also if a man seised of land the right of his wife, be attaind of felony, having issue, and purchase the Kings pardon after his wife dyeth, there he shall not be tenant by the curtesie, if he hath issue by his wife, after the pardon, in such case he shall be Tenant by the Curtesie.

Cuynage.

Cuynage is a word used in the Statute of 11. H. 7. cap. 4. for the making up of Tunnage in such fashion as it is used to be taken into, for the better carrying into other places.

D

Damage fasant.

Damage fasant is when a
damagers beastes are in ano-
ther mans ground, without
his authoritie or licence of the
owner of the ground, and there
in kill, waste, and ocher wise spoils
the same, Grassie, woods, or such
like. In which case the Tenant
may they hurt, may therefore
distraine, and impound them
at any tyme, as in the day.
In other cases, as for Rent &
services and such like, none may
distraine in the night season.

This word Damage is used
in a more large acceptation than
is shewed, and is sometime a
part of the which the Jurors are
asked, in giving their Verdict
by the Complainant, or De-
fendant, in an Action Real, or
Personal. For after the verdict
upon the principall matter,
they are also asked their Consci-
ences touching Costs, which are
expences of the Suit, & Da-
mages, which containe the hinde-
rance that the plaintife or deman-
der hath suffered by meanes of
the wrong done unto him by the
Defendant or Tenant.

And so much as Justice and
Reason require, That when the
Life, the Credit, the Lands, the
Honour, the corruption of Blood,
or all that a man hath to forsett
in this World, are put in perill,
without true desert or cause, but
only upon the malicious accusa-
tion of another by Appelle, that
the Appeller should have satisfac-
tion therefore against his false

D

Damage fasant.

Damage fasant est vanr les
beasts de un estrange sont
en aus terres, sans autho-
ritie loyal ou licence del Tenant
d la terf, & la manger or treaſ,
ou autrement spoylor les Brees,
Grasse, Bois, ou tiels semblables.
En quel case, le Tenant que ils
issent Damage, poit pur ceo pri-
der, distraine, & impoud eux, cy-
bien en le nuit, eoe en le jour.
Mes e auters cases coe pur Rent,
& services, & tiels sembles, nul
poit distraine en le nuit temps.

Et cest parol Damage est prise
en un plus large acceptation q
est avantdit, & est ascun foits un
part de ceo que les Jurors sot de
enquire donat leur Verdict pur
le Plaintife, ou Demaundant, en
un Action Real, ou Personal. Car
puis le verdict done sur le prin-
cipal cause, ils sont auxy de-
maund leur Consciences tou-
chant Costs, queux sont les
expences del Suit, & Da-
mages, que contene le parde
que le plaintife ou demandant
ad sustaine per cause del tort
luy fait per le Defendant, ou
Tenant.

Et entant que Justice & Rea-
son voilont, que quant le Vie, le
Credit, les Terres, les Biens, le
corruption de son Sanke, & tour
ceo que home ad a forfeiter en
cest Monde, sont mise en peril
sans voier desert, ou cause, mes
solement sur le malicious accu-
sation d'un auter p appelle que
le appelle averoit satisfacion
pur ceo enuers son faux accuser,

The Exposition of

& fil nad sufficient, dunque vers luy ou ceux que luy abbetta ou procura de pursuer le Appeale; Pur ceo le Common Ley donast damages al defendant en un Appeale, & assigne a luy un meane pur le recovrie de eux, quant il fuist acquite del Felony, come est 48. Ed. 3. 22. Mes entant que les Damages queux fueront destre recover vers le procurors & abbetors, fueront destre recover per originall Brieve, cestascavoir, per Brieve de Conspiracy, & nient autrement, que ne fuist cy curt remede, come le heinous degree del tort require, le Statute de Westminster le 2. Anno 13. Ed. 1. cap. 12. pur le plus subite redresse fuit, ordaine.

Mes si le defendant barre le plaintife de son Appeale, dunque il ne poit recover Damages p le dit Stat. enuers le plaintife, forsque le Barre soit tiel que acquite le Defendant del Felonie: Et pur ceo si le defendant plead, que le appellant est ou Bastard, ou ad un eigne Frere, ou tiels Pleas en Barre, & per eux Barre le Plaintife, uncore il ne recouvrera Damages vers luy, car le Defendant poit estre en dite arere de mesme le Felonie, & attain nient obstant aucun de ceux Pleas, car per eux le innocencie del Defendant nest pas trie, & pur ceo il naverá Damages, 27. Aff. Pla. 25. Mesme le Ley est, si le Defendant barre le appellant per Demurrer en Ley: Et issint est, si en Appeale del mort d'un home le Defendant

accuser, and if he hath not failed, then against him or them that abbetted or procured him to pursue the appeale; Where the Common Law gave damages to the Defendant in an appeale, & assigned to him a mean for the recovery thereof, when he was acquitted of the felony, as it is 48. Ed. 3. 22. But in such as the Damages which may be recovered against the procurors and abbetors, were to be recovered by originall writ, that is to say, by writ of Conspiracy, and not otherwise, which was not so speedy a remedy, as the heinous quality of the wrong required; the Statute of Westminster the 2. Anno 13. Ed. 1. cap. 12. for the more sudden redress thereof was ordained.

But if the Defendant barre the Plaintife of his Appeale, he cannot recover Damages by the said Statute against the Plaintife, except the Barre be such as acquitteth the Defendant of the felony: And for that if the Defendant pleadeth, that the appellant is a Bastard, or hath an Brother, or like Pleas in Barre, and thereby barreth the plaintiff, yet he shall not recover Damages against him, for the Plaintiff may be indicted against the same felony, and attaind notwithstanding any of those Pleas, for by them the innocent Defendant is not tryed, and therefore he shall not have Damages, 27. Aff. Pla. 25. The same Law is if the Defendant barreth the Plaintiff by Demurrer in Law. And so it is, if in Appeale

of a man the Defendant
to the Issue, and it is
by verdict that he killed the
man in his owne defence, or by
misadventure, in these cases he
shall recover Damages.

If the Defendant in Ap-
peale hath the releafe of the Appel-
lant, or the Kings pardon, and
he waives them & plead not guil-
ty and is acquitted, in this case
he shall recover Damages.

It is to be noted that this
word Damage is taken in the
Law in two severall significati-
ons, the one properly and gene-
rally, the other strictly and rela-
tively, properly as it is in cases
where damages are founded upon
the Statute of 2. H. 4. cap. 1. and
1. H. 6. cap. 9. where costs are in-
cluded within this word Dama-
ge, for Damnum in it's proper
or generall signification is said, a
diminutio, when a thing by dimi-
nution is made worse, and in this
sense costs of suit are damages to
the Plaintiff, for by them his sub-
stance is diminished: But when
the Plaintiff declareth the wrong
done to him to the damage of such
summe, this is to be taken rela-
tively for the wrong which is
done before the Writ brought,
and are assessed by reason of the
damage aforesaid, and cannot
be in cases of Suit which are
done of another nature,
Coke lib. 10. fol. 116. 117.

Danegeld.

Danegeld, that is, to be quit of
a certaine custome which hath
sometime, which the Danes
used in England.

It began first in the time

plead al issue, & est troue per
verdict que il occide le home
en son defence demesne, ou
per misadventure, en ceux
cases il ne recouvrera Dama-
ges.

Mes si le Defendant en Ap-
peale ad le releafe del Appel-
lant, ou le pardon le Roy, & voile
eux waiver & pleá nient culpa-
ble, & est acquite, en cest case il
recouvrera Damages.

Et est asavoir que cest pa-
rol damna est prise en la Ley
en deux severall significations,
l'un properment & general-
ment, l'auter relative & stricte,
properment come est en cases
ou damages sont foundue sur
le Stat. de 2. H. 4. c. 1. & 8. H. 6.
cap. 9. ou costs sont enclude de-
ins cest parol damage, car *Dam-
num* en son proper & general
signification, *Dicitur à demen-
do, cum diminutione res dete-
rior fit*, & en cest sence costs
de suit sont damage al Plain-
tife, car per eux *res sua dimi-
nuit*. Mes quaut le Plaintiffe
monstre le tort fait a luy a dam-
mage de tiel summe, cest est de-
stre prise relative pur le tort
que est passé devant le Brieve
port, & sont assellé *occasione
transgressionis predictæ*, & ne
poit extender al costs de Suit
que sont future, & d'un auter
nature, Vcies *Coke lib. 10. fol.
116. 117.*

Danegeld.

Danegeld, hoc est, quierum esse
de quadã consuetudine q̃ cu-
currit aliquo tempore, quã qui-
dem Dani levaverunt in Angliã.

Ceo commence primerment

en temps le Roy *Etheldred*, quel esteant en graund distresse per le continual envasion de les Danes pur purchaser pais, fuit compell' de charge son pais & people oue importable paimets, car il primerment done eux al cinque severall paimts 113000. li. & puis grant al eux 48000. li. annualment.

Darreine presentment.

D*Arreine presentment*, Assise d' ceo gift ou jco ou mon auncestors ad p'sent un Clerk, al un esglise & puis le Esglise esteant voyde per le mort del dit Clerke ou autrement, un estranger present sont Clerke al mesme Esglise en disturbance de moy: Et coment ceo est autrement use, Veies *Bracton lib. 4. Tract. 2. Register Orig. fol. 30.* Si Baroni & feme present al Advowson, en droit la femme, que est appendant al Mannor la feme, & puis le baron alien un acre, parcel del Mannor oue le advowson en fee a un estranger, & devie, & puis le esstraunger presenta, & puis alien le acre a un auter en fee savaunr le advowson a luy mesme, & puis le Esglise voida, ore la feme presentera, & sel soit disturbe el avera Assise de Darraine Presentment, pur ceo que l'advowson fuit sever del acre; Mes si l'advowson fuit appendant al acre, donque covient al feme a recover le acre avant que el presentera al advowson, *Fitzherb. Natura Brevium, 32.*

Deane & Chapter.

D*Eane & Chapter* est un corps Corporate spirituall, consi-

of King *Etheldred*, who soze distressed by the continual invasion of the Danes, to purchase peace, was compelled to charge his Countrey and people with importable payments, he first gave them at five several payments 113000. li. and afterwards granted them 48000. yearly.

Darreine presentment.

D*Arreine presentment*, an assize thereof lyeth where the Ancestors have presented a Clerk to a Church, & after the Clerk being hold by the death of the Clerk or otherwise, a stranger presenteth his Clerk to the Church in disturbance of the same. And how it is otherwise used. See *Bract. l. 4. tract. 2. Reg. Orig. fol. 30.* If husband and wife present to an advowson, in right of the wife, which is appendant to the Manor of the wife, and the husband alieneth an acre parcel of the Manor, with the advowson in fee to a stranger, and dyeth, and after the stranger presenteth, & then alieneth the acre to another in fee, saving the advowson to himselfe, & after the Church is void, there the wife shall present; and if she be disturbed she shall have an Assise of Darraine Presentment, because that the advowson was severed from the acre. But if the Advowson be appendant to the acre, then the wife ought to recover the acre before she presenteth to the advowson, *Fitz. Nat. Brevium, 32.*

Deane and Chapter.

D*Eane and Chapter* is a body Corporate spirituall, consi-

of many able persons in Law,
namely the Deane (who is
and his Prebends, and
together make this Corpora-
tion. And as this Corporation
may purchase Lands and
tenements to the use of their
Church and successors; So like-
wise every of them severally may
dispose to the use of himselfe and
his heirs.

And as there are two founda-
tions of Cathedrall Churches in
England, the old and the new,
the old are those that King
Henry the eight upon suppression
of Abbeyes, transformed from
Abbot, or Prior, and Covent,
or Deane and Chapter) so there
are two meanes of Creation of
the Deanes, for these of the old
foundation are brought to their
Dignitie like unto Bishops, the
King first sending out his Con-
gelee delivred to the Chapter, the
Chapter then choosing, the King
giving his Royall assent, and
the Bishop confirming him, and
giving his mandate to install
him. Those of the new founda-
tion are by a shorter course instal-
led by the Kings Letters Patent
without other election or confir-
mation.

This word is also applied to di-
vers that are the chiefe of certaine
smaller Churches or Chappels,
as the Deane of the Kings Chap-
pel, the Deane of the Arches, the
Deane of Saint Georges Chap-
pel in Windsor.

Debet & Solet.

Debet & Solet, these words are
used in the old *Natura Breviū*,
fol. 91. the word of *Secta molen-*

stant de plusieurs able persons en
Ley, come mosmesint de Deane
(que est principall) & ses Pre-
bends, & ils ensemble font le
Corporation. Et sicome cest
Corporation poyent joyntment
purchase terres & tenements al
use d'lour Esglise & successors;
issint auxy chescun de deux se-
veralment, poit purchase al use
de luy & ses heires.

Et si come la sont deux foun-
dations Desglises Cathedrall en
Angleterre, le veiel & le novel
(le novel sont ceux queux le
Roy Henry le huit sur suppres-
sion Dabbies transforme de Ab-
bot ou Prior & Covent, al Deane
& Chapter) issint la sont deux
meanes del Creation de ceux
Deanes, car ceux del veiel foun-
dation sont conferre a leur dig-
nitie semble al Evsques, le Roy
primerment mittant hors son
Congee De'slire al Chapter, le
Chapter donque esliant, le Roy
rendant son Royal assent, &
Levesque luy confirmant & do-
nant son Mandate de luy in-
staller. Ceux del novel founda-
tion sont per un voy plus curt
enstalle per les Letters Patents
del Roy sans auter election ou
Confirmation.

Cest parol est auxy apply aux
divers que sont les primers de
certaine peculiar Esglises ou
Chappels, come le Deane del
Chappel del Roy, le Deane del
Arches, le Deane del Chappel
de Saint George en Windsor.

Debet & Solet.

Debet & Solet, ceux parols s'ot
use en le viel *Natura Brevi-*
um, fol. 98. le Brieve de *Secta*
molendini

The Exposition of

molendini esteant en le *Debet & Solet* est un Brieſe de droit, &c. & atere, fol. 69. Un Brieſe de *Quod permittat*, poit estre pleād en le Countie devant le Viscount & poit estre en le *Debet & Solet* ou le *Debet* ſolement come le demaundant claine. Pur que nota, que ceux Brieſe que ſont port en tiel ſort, ont ceux parolx en eux, come formal parolx, niem deſtre omit.

Et accordant al diverſitie del caſe le *Debet & Solet* ſont uſe ou le *Debet* tantum; & cōe ſi home per Brieſe ſue de recoverer aſcun droit de que ſon Anceſtor fuiſt diſſeiſe per le Tenaunt ou ſon Aunceſtor, donque il uſe ſolement le parol *Debet* en ſon Brieſe, & neſt apt de uſer *Solet*, pur ceo que ſon Aunceſtor fuiſt diſſeiſe, & le uſage diſcontinue, meſ ſil ſue pur aſcun choſe que eſt primerment denie a luy, donque il ad ambideux ceux parolx *Debet & Solet*, pur ceo q ſes Anceſtors devant luy, & luy meſme ount uſualment enjōy l'choſe p que il fuiſt, come ſuit al Molin, ou Common de Paſture jeſque ceſt preſent reſuſal del Tenaunt; *Regiſt. orig. Fol. 144. a.*

Debet & Detinet.

D*ebet & Detinet*, mult poit estre dit de ceux parolx que ad estre dit des parolx procheinē adevant: Come ſi home ſoyt obligē a un auter, & fait ſon Exeçute, & moruſt, & l'argent fuiſt due en le temps del Teſtator, & apres L'executour ceo ne renda pas; la L'action port vers luy, pur ceo

dini, being in the *Debet* and *is a Writ of Right*, &c. *gaine*, fol. 69. a writ of *permittat*, may be pleaded in *Countie before the Sheriff*, may be in the *Debet and Solet* or the *Debet* only; as the demandant claimeth. *note*, That these words be brought in such sort, that the words in them, as formal words, be not to be omitted.

And according to the tenor of the case, the *Debet* and *Solet* are used; or the *Debet* only; as a man by writ sueth to recover any right whereof his Ancestor was disseised by the Tenant or his Ancestor, then he useth only the word *Debet* in his writ, and it is not apt to use *Solet*, because that his Ancestor was disseised, and the customs discontinued; but if he sueth for any thing that is first denyed unto him, he useth both these words, *Debet & Solet*, because that his Ancestor before him, and himself have usually enjoyed the thing for which he sueth, as *Quod est in the Will*, or *Common of Pasture*, untill this present time of the Tenant, *Regiſt. Orig. fol. 144. a.*

Debet & Detinet.

D*ebet & Detinet*, much as has said of these words, we have beene spoken of the former above: As if a man be bound to another, and make his Executor and dyeth, and the money groweth due in the time of the Testator, and after the Executor payeth it not, an Action brought against him therefor,

shall be in the Detinet one-
 as is in all Actions brought
 Executors as Executors, the
 shall be in the Detinet one-
 though the dette accrued in
 some time. because that the
 damages recovered, shall

shall be for years rende-
 rent, makes his Execu-
 and dyeth, and the Rent en-
 after the death of the Te-
 there an Action of Debt
 shall be brought in the Debt &
 Detinet: for when an Executor
 Administrator taketh the pro-
 nothing shall be asslets but
 above the Rent: As if
 land is worth ten pound by
 year, and six pound is reser-
 in this case nothing shall be
 but the six pound above
 the Rent, and therefore the writ
 shall be for the Rent in the Debt
 Detinet, Coke lib. 5. fol. 31.

Decies tantum.

Decies tantum is a writ, and
 lyeth where a Juror in any
 taketh money of the one
 or other to give his verdict,
 he shall pay ten times as
 much as he hath received, and
 so that both fine may have
 the one half, and the King
 the other half.

But if the King in such case re-
 lease by his pardon to such a Ju-
 ror, there shall be no bar against
 him touching the Action, but
 he shall recover the other
 half, if his Action be commen-
 ced before the pardon of the King.
 But if the pardon be before any
 Action, it is a bar against all men.

And the same Law is of all o-

serra en le *Detinet tantum*; &
 issint en tous Actions port per
 Executors come Executors le
 Briefe serra en le *Detinet tan-*
tum, comént que le durie accrue
 en leur temps demesme, pur ceo
 que le chose ou damages reco-
 ver Terra asslets.

Mes si Lessee pur ans rendant
 Rent, fait ses Executors, & mo-
 rust, & le Rent incurre puis la
 mort del Testatour, ore Action
 de Debt serf port en le *Debet*
& Detinet: Car quant Execu-
 tour ou Administrator prist les
 profits, rien serra asslets mes les
 profits ouster le Rent: Come
 si le Terre vault dix liuers
 per an, & cinque liuers est re-
 serve, en cest case rien serra
 asslets forsque le cinque liuers
 ouster le Rent, & pur ceo le
 Briefe serra pur l'Rent en
 le *Debet & Detinet*, Coke lib.
 5. fol. 31.

Decies tantum.

Decies tantum est un Briefe,
 & gist lou un Jurour en ascü
 Enquest prist Argent d'un par-
 tie ou d'auter, pur done son ver-
 dict, d'oques il payera dix foits
 a tant q il ad receive; Et chescü
 que voyle suer puit aver le Acti-
 on, & avera l'un moitie, & le
 Roy l'auter moitie.

Mes si le Roy en tiel Case re-
 lease per son pardö a tiel Jurour,
 uncore ceo ne serra barre vers
 cestuy que port L'action, mes
 que il recovers l'auter moitie, si
 son Action soit commence de-
 vant le pardon le Roy, mes si le
 pardon soit devant aucun action,
 il est barre encoüter tous gents.

Et mesme le Ley est de tous
 Actions

The Exposition of

Actions populaires lou un part est al Roy, & l'autre al partie que suera. Auxy les embracers que proeurent tiels enquestes, seront puney en mesme le manner : & ils averont imprisonment de un an. Mes nul Justice enquirera de ceo de Office, mes solement al suite del partie.

Deciners.

Deciners sont tiels queux soyoyent daver le survey & checke de dix friburge pur le maintenance del peace le Roy, & les limits ou circuit de leur jurisdiction fuit appel *Decenna*, *Bract. lib. 3. tra. 2. c. 15.* Auxy poyes lier *Fleta lib. 1. cap. 27.* Et auxy le *Regist. Orig. fol. 68. b.*

Ceux semble daver grand authorite en le temps des Saxons, prentant conusans de causes deins leur circuit, & reformant torts per voyde judgemēt come poyes lyer en les leyes del Roy *Edovart*, publie per Monsieur *Lambert*, num. 32. Auxy la est mention fait de ceux en *Britton cap. 12.* que dit en le person le Roy, (come il escria tout son liure) en tiel manner. Nous voil-lomus que tous tiels que sont 24. ans d'age, fairoēt seremēt q̄ ils ferrōt sufficiēt & loyal a nous, & q̄ ils ne voilēt estre larōs, ne assentant a Laron, & q̄ tous soyent professe destre de ceo ou tiel dozeine, & faire ou offer bayle de leur behavior p̄ ceux ou ceis Deciners, exceptant Religious persons, Clerkes, Chivalers, & leur eigne Fitz & Femmes. Un-core mesme le Authour en son 29. Chap. procheine al fine dit,

ther Actions popular, whose part is to the King, and the other to the party that sueth. Embracers which procure Enquestes, shall be punished in the same manner, and they shall have the imprisonment of a year. no Justice shall enquire thereof of Office, but only at the suit of the partie.

Deciners.

Deciners are such as were wont to have the oversight and command of ten free burghes in the preserving of the Kings peace, and the limits or circuit of their jurisdiction was called *Decenna*. *Bract. lib. 3. tra. 2. c. 15.* Also you may reade *Flet. lib. 1. cap. 27.* In also the *Regist. Orig. fol. 68. b.*

These seemed to have large authority in the Saxons time, taking knowledge of causes within their circuit, & redressing wrongs by way of judgement, as you may reade in the *Laws of King Edward* set out by *M. Lambert*, num. 32. Also there is mention of these in *Britton cap. 12.* who saith in the Kings person, (as he saith in his *whole Works*) in this manner, We will that all such as are fourteens yeares of age, shall make oath, That they shall be sufficient and loyall unto Us, and that they shall not be felons, nor assenting to felons, and that they be professed to be of this or that Dozeine, and make or offer surety of their behaviour, by which these Deciners, except Religious persons, Clerkes, Knights, and their eldest sons and women. In the same Authour in his 29. Chapter near the end, saith, That all a

of twelwe years or above,
punishable for not comming
to the Sherifes Toorne. excep=
t the Clerkes, Prelates, Barons,
Religious persons, and women,
Pl. Col. fol. 37. fourth of Fitz=
herbert, hath these wordes:

Our Law is, where the
jurors make presentment, that
if a man is taken for theft, and de=
livered to the Sherife. And Kit=
es of the Register, and Brit saith
that Religious persons, Clerkes,
Priests, or women, shall not be
jurors, fol. 33. From whence it
may be gathered, that this word
juror meaneth nothing else but such a
man as by his oath of loyaltie to
the Prince, is settled in the com=
munity or society of a Dozeine, for
it is not usual at this day to finde
any to do so: And now a Do=
zeine seemeth to extend so farre as
the Law extends, because that in
the Law onely this oath is admini=
stered by the Steward, & taken by
men as are of the age of twelwe
years and upward, dwelling
within the Precinct of the Law
where they are sworn, Fitz. N.
161. a. The particulars of this
oath you may reade in Bract. lib. 3.
tra. 3. c. 1. num. 1. in these wordes,
Which finished, (that is, the com=
mission of the Justices being read
and the cause of their meeting be=
ing heard) The Justices ought to
convey themselves in some private
place, and calling unto them foure
or six, or more of the chiefe of the
County, which are called *Bufo*
nes Comitatus, at whose dispose the Ac=
tions of others do depend, and let
the Justices discusse the matter a=
mongst them, and shew how that by

Que tous al age de 12. ans & de=
suis, sont punissable pur mient
vener al Tourne de Viscount, ex=
ceptant Countees, Prelates, Ba=
rons, Religious persons, & fe=
mes, *Stamf. Pl. Cor. fol. 37. hors de*
Fitzherbert ad ceux parols.

Mesme le Ley est ou les De=
ciners sont presentment, Que un
Laron est prise pur Larcenie, &
deliver al Viscount. Et *Kit*, hors
del *Regist.* & *Brit* issint dit, Re=
ligious persons, Clerkes, Chiva=
lers, ou femmes ne serront Deci=
ners, fol. 33. Hors de quel poyt
estre Collect, Que cest parol ri=
ens autrement implie, mes tiel
que per son serement de loyal=
tie a son Prince, est settle en
le Fraternite ou Societe d'un
Dozeine, car nest usual a cest
jour de trover suretie issint a
faire: Et james un dozeine sem=
ble d'extender cy taunt come le
Leete extendra, pur ceo que en
Leets solemnt cest serement est ad=
minister p le Seneschal, & prise
p tiels q sont d'age d douze ans;
& desuis, recidant deins le com=
passe del Leete ou ils sont jurus,
Fitz. Nat. Br. 161. a. Les particu=
lars de cest serement poyes lyer en
Bract. lib. 3. tr. 2. c. 1. nu. 1 en ceux
parols, *Quibus propositis* (c' l' en
commission des Justices esteant
lie, & le meistre de lour venue
esteant monstre) *debent iusticia=
rii se transferre in aliquem locum*
secretu, & vocati ad se quatuor,
vel sex, vel pluribus de majoribus
*de Comitatu qui dicuntur Bufo=
nes Comitatus, & ad quoru nu=
tu dependent vota aliorum, & sic*
*inter se tractatum habeant iusti=
ciarii ad invicem & ostendant qua=
liter*

The Exposition of

littera Domini Rege & ejus Concilio provisum sit, Quod omnes tam milites quam alii qui sunt quindecim annorum, & amplius, jurare debent, Quod uilagos, murditores, robbatores, & burglatores, non receptabant, nec eis consensient, nec eorum receptatoribus, & si qui tales noverint, illos attachiari facient, & hoc vice comiti & ballivis suis monstrabunt; Et si butesum vel clameum de talibus audiverint, statim audito clamore, sequantur cum familia & hominibus de terra sua. Et cy Bracton mittit cins quindix ans pur le age de ceux que sont jurus al peace le Roy, mes lib 3. tract. 2. c. 11. num. 5. il nosme douze ans. Veies Inlaugh.

Hors de queux premisses poyt estre observe le diversitie perenter le ancient & ceux de nostre temps en cest poynt de Ley & governement, cybien pur le age de ceux que sont destre jure, come auxy q Deciner nest jammes use pur l' primer hoc d'un Dozeine, mes pur luy q est jure al peace le Roy. Et deniermt q jammes la ne sont ascun Dozeines, forsque Leers, & q nul home comunemt done auter secutitie pur garder le peace de Roy, mes son leicmt deinesne, & que pur ceo nul respondera pur l'offence d'un autre, mes chescun per luy m.

Declaration.

DDeclaration est un monstrence en escript, de le grieve & complain de le Demaundant ou plaintife envers le Tenaunt ou Defendant, en que il suppose de aver receive tort, & cest Declaration doit este playne & cer-

their Lord the King and his Council, it is provided, That all Knights as others, which are years old & above, ought to be sworn. That they shall not receive laws, murderers, robbers, or larers, nor shall consent unto nor their receivers, & if they know any such, they shall attach and declare it to the Sherife & Baylives; And if they shall hear any hue or cry of any such, they therupon make present pursuit to their servants and family. And Bracton putteth doone this years for the age of those that are sworn to the Kings Peace. lib. 3. tract. 2. cap. 11. num. 5. he smeth twelve yeares. See Inlaugh.

Forth of which premisses may be observed the difference between the ancient and these our times at this point of Law and government, as well for the age of those that are to be sworn, as also for Deciner is not now used for the chiefe man of a Dozein, but for him that is sworn to the Kings peace. And lastly, that now there are not many Dozeins, but Leers, and that ordinarily no man giveth other security for keeping the Kings peace, but his owne, and therefore no one shall answer for the transgression of another, but every one for himselfe.

Declaration.

DDeclaration is a shewing in writing of the grieve & complaint of the demandant or plaintiffe against the tenant or defendant wherein he supposeth to have received wrong, and this declaration ought to be plain and certain;

he impeacheth the de-
fendant, and also com-
pelleth him to make answer there-
unto that such declaration
by the Demandant against
the Count, in an Action real, is
called a Count.

That the Count or De-
claration ought to containe De-
monstration, Declaration and
Conclusion. And in Demonstra-
tion are contained three things,
to wit (to say) Who him complai-
neth, and against Whom; and for
what cause, and in the Declara-
tion ought to be comprised,
in what manner the Ac-
tion is between the parties, and
in what day, yeare, and
in what place, and to whom the action
is brought.

And in the conclusion, he ought
to pray and proffer to prove his
claim, and shew the Damage
that he hath sustained by the
wrong done unto him.

Dedimus potestatem.

Dedimus potestatem is a writ,
and it lieth where a man saith
that King's Court, or is sued,
that may not well traveyler, then he
may have this writ directed to
the Justice, or other discreet
person in the Countrey, to gibe
him power to admit some man
to his Turney, or to levy a fine,
to take his confession, or his
oath, or other Examination,
as the matter requirereth.

Defamation.

Defamation is when a man
saith slanderous words of
another man, Court of Justice,
of his Office or Title of Land:
whereupon the party shall be

taine, pur ceo que il impeach le
Defendant ou Tenant, & auxy
chase celuy a responder. Mes
nota, que Declaration fayt
per le Demandant vers le Te-
nant en Action Real, est proper-
ment appel un Count.

Nota, Que le Counte ou
Declaration doyt conteyne
Demonstration, Declaration,
& Conclusion. Et en Demon-
stration sont conteynes troys
choses, (cest adire) que le
pleynre, & envers que, & de
quel chose, & en le Decla-
ration doyt estre comprise, co-
ment, & en quel manner le
cause del Action surdit enter les
parties, & quant & quel jour,
an, & lieu, & a que l'action ser-
ra done.

Et en perclose, il doyt a-
verre & proffer de Prover son
Suite, & monstra les Damages
queux il susteyne per le tort a
luy fayt.

Dedimus potestatem.

Dedimus potestatem est un
briefe, & gist lou un home
sua en le Court le Roy, ou est
sue, & ne puit bien traveyler,
donques il avera cest briefe di-
rect a ascun Justice, ou auter dis-
cretee pson en le payes, de do-
ner a luy power pur admitte a-
scun pur son Atturh, ou de levie
Fine, ou de prender son Confes-
sion, ou son Respōs, ou auter Exa-
minatio, come le matter require.

Defamation.

Defamation est quaut home
parle scandalous parols de
ascun auter home, Court de Ju-
stice, Magistracie, ou Title de
Terre: Et sur ceo le partie ser-

ra punie accordant al nature & qualite de son offence: Afcun foits en le Starchamber, afcun foits per Action sur le Cafe, pur Slaunder, al Common Ley, & auter foites en le Court Christian. Come si home controve afcun faux novels, & horribles & faux Mesloinges de Prelates, Dukes, Counts, &c. donque un Action *De Scandalis Magnatum* gisera vers luy, per le Statute de 2. Rich. 2. cap. 5. & ceo-est-ant prove, le partie offendant serra grieviusment punie. Mes pur parols de Defamation vers un private home, la le partie grieve avera son Action sur le Cafe, pur le Slaunder, & recouvrera en Dammages, accordant al qualite del Peche, en que le qualite del person que est ilint defame est destre fort considere.

Mes pur Defamations determinable en le court Christian, ils covient de aver trois incidents: Primerment, covient concerne matter merement Spiritual, & determinable en le Ecclesiastical Court, come pur appeller luy Heretique, Schismaticque, Advouterer, Fornicator, &c. Secunderment, que il concerne matter merement Spiritual solement: Car si tiel Defamation concerne ou touche afcun chose determinable al Common Ley, le Ecclesiastical Judge navera conusans de ceo: Come si un Divine est destre present a un Benefice, & un a defeater luy de ceo, dit al Patron, Que il est un Heretique, ou un Bastard, ou que il est excommenge, per que le Pa-

punished according to the nature and quality of his offence, sometimes in the Starchamber, sometimes by Action upon the Case, for slander, at the Common Law, and other times in the Ecclesiastical Court. As if a man utter any false news, or horrible and false lies of Prelates, Bishops, Carles, &c. then an Action *De Scandalis Magnatum* lies against him, by the Statute of Rich. 2. cap. 5. and this being proved, the party offending shall be grievously punished. But words of Defamation against a private man, there the party grieved shall have his Action upon the Case for the Slander, and shall recover in Damages, according to the quality of the fault, wherein the quality of the person who is so defamed, is much considered.

But for defamations determinable in the Spiritual Court, they ought to have three incidents. First, it ought to concern matter merely Spiritual, and determinable in the Ecclesiastical Court, as for calling him Heretic, Schismaticque, Idolater, Fornicator, &c. Secondly, it concerneth matter merely Spiritual only: For if such Defamation concerne or touch any thing determinable at the Common Law, the Ecclesiastical Judge shall not have Conusance thereof: As if a Divine is presented to a Benefice, and another to defeat him thereof, say to the Patron, that he is an Heretic, or a Bastard, or that he is excommunicated, whereby he

refuseth to present him,
if he hath his presentment, he
shall have an Action upon the
Case for these defamations, ten-
times as much an end. Also if a wo-
man be bound that she shall live
single, and chaste, or if a Lease
be made to her so long as she shall
live, in these cases Inconti-
nent shall be tried by the Com-
mon Law. Thirdly, although
the Defamation be merely
temporal, and onely Spirituall,
if the person is defamed, cannot sue
for amends, or Damages,
but he is ought to be onely for
the intent of the fault, for the
health of him that so of-
fendeth.

And as for the slander of a Ti-
tle, if A. say that B. hath
the Lands of C. whereby
he is damaged, then he may
have an Action upon the Case,
for the Defamation of his Title.
And although B. hath
the Title, yet A. shall be
damaged, forasmuch as he hath
no knowledge of the
same, and medled in a matter
concerned him not. But if
he sayeth, that he himselfe hath
the Land of another, in
that Case no Action for Defama-
tion, although he knoweth
his Title is false, Coke lib. 4.

Defeifance.
Defeifance is a condition re-
quired to a Writ, as an Obit-
us, Recognifance, or Sta-
tute, which being performed by
the obligor or recognisor, the ac-
tion is ended and made void as if it
had never bene done. And there

tron refuse a presenter luy, & il
parde son presentment, il avera
Action sur le Case, pur ceux
Defamations tendant a tiel
fine. Auxy si feme soit oblige,
que il vivera continent, & chaste,
ou si Lease soit fait a luy *Quam-
diu casta vixerit*, en ceux cales
incontinencie serra trye per
le Common Ley. Tiercement,
coment que tiel Defamation
soit merement Spirituall, & sole-
ment Spirituall, uncore cestuy
que est defame, ne poir suer la
pur amends, ou Damages, mes
le Suit covient estre solement
pur punishment del peche, *pro
salute anime* cestuy que issint of-
fend.

Et quanta l slander d'un Title
al Terre, si A. dit que B. ad droit
en les Terres de C. per que
C. est damnifie, donque il poit
aver Action sur le Case, pur
le Defamation de son Title
vers A. Et nient obstant que
B. ad un colourable Title, un-
core A. serra punie, entant que
il ad imprise sur lui notice del
Ley; & intromit en un matter
que ne luy pas concerna. Mes
si home dic, que il mesme ad
droit al Terre de un auter, en
cest case nul Action pur Defa-
mation gist, nient obstant que il
conust que son Title est faux,
Coke lib. 4. fol. 18.

Defeifance.

Defeifance est un Condition
que relate a un Fait, come a
un Obligation, Recognifance,
ou Statute, & esteant performe
per le obligor ou recognisor le
act est disable & fait voyde si
come il ne unques pas ad estre
fait.

fait. Et là est nul garrantie, reconnaissance, rent charge, annuitie, covenant, lease pur ans, use al Common ley, ou tiels semblables: mes que ils poyent per un defeasance fait ove l' mutual cōsent de tous ceux q̄ fueront parties a le creation de eux per fait estre ad nul discharge & defeat. Et l' difference perenter un proviso ou condition en fait, & un defeasance est en ceo, Que le proviso ou condition est annexe ou encert en le fait ou grant, ou un defeasance est usualmēt un fait p luy mesme conclude & agree perenter les parties, & ayant relation a un autre fait & grant.

Et pur ceo si le condition de un obligation soit repugnant al fait, le condition est voyd & le obligation bone, come si le condition soit q̄ il ne suera obligation, ceo est voyde, auxibien come est d' un feoffment sur condition que le feoffee ne pndra my les profits, mes un defeasance est un grant q̄ est fait apres le obligation pur defeater m le obligation, & ceo ē bone comt que il soit repugnant, & issint nient semble a un condition; 21. Hen. 7. fol. 24. b. Pur le forme & maner de Defeasances accordant al diversite del case vies, *West. part. 1. Symb. lib. 2. sect. 230, 231, & c.*

Defendant.

Defendant est celuy q̄ est sue ē action Personel, & est appel Tenaunt en un Action Real.

Defence.

Defence est ceo que le Defendant doyt faire immediatemēt apres le Count ou Declaration fait cest adire, q̄ il defenda tout.

is no warranty, recognizance, rent charge, annuity, covenant, lease for years, or such like, that they may by a defeasance made with the mutual consent of all those which were parties to the creation thereof, by him admitted, discharged, and defeated. And the difference between a proviso or condition in fact, and a defeasance is in this, That proviso or condition is annexed inserted in the deed or grant, where a defeasance is usual, made by it selfe concludes and agreed on betwixt the parties having relation to another grant.

And therefore if the condition of an obligation be repugnant to the deed, the condition is void, the obligation good, as if the condition be that he shall not be an obligation, this is void as to the condition, as it is of a feoffment, upon condition that the feoffee shall take the profits, but a defeasance is a grant that is made after the obligation, to defeat the obligation, and this is good, though it be repugnant, and not like a condition, 21. Hen. 7. fol. 24. b. For the forme and maner of Defeasances according to the diversite of the case, See *West. part. 1. Symb. lib. 2. Sect. 230, 231, & c.*

Defendant.

Defendant is he that is sued in action Personall, and is called Tenaunt in an action Real.

Defence.

Defence is that which the Defendant ought to make immediately after the Count or Declaration made, that is to say,

all the wrong, force,
damage, where and when he
was then to proceed further
to be so impale.

Et nota, that intouch that
the force and wrong,
he excuse himselfe of the
against him intimated, and
his party to the plea, & in-
that he defendeth the dam-
ages, the partie plain-
tiffe to be answered unto.

As for the residue of the de-
fence, he acceptes the power of the
Court to heare and determine
of this matter. For if
he plead to the Jurisdiction,
he ought to omit in his defence
the words (ou & quant il de-
vera) and if he will shew any
thing in the plaintiffe, and de-
maunde if the party shall
be answered unto, then he ought
not the defence of the dam-

le tort, force, & damage, lou &
quant il devera, & donques de
proceed ouster a son plee, ou de
imparler.

Et nota, que entaunt que il
defend tort & force, il le ex-
cuse del tort vers luy surmise,
& fait se partie al plee, & per
taunt que il defende les Dam-
mages, il affirme le partie
plaintiffe able destre respon-
due.

Et per le residue del de-
fence, il accept le power del
Court de Oyer & Determiner
les plee de cel matter. Car sil
voile pleader al Jurisdiction, il
doit omitter en son defence les
parols (ou & quant il devera :)
& si voile monstre aucun disa-
bilitie en le plaintiffe, & de-
maunde judgement si le partie
serra respondue, donques il
doit omitter le defence del dam-
mage.

Defendemus.

Defendemus is an ordinary word
in a feoffment or donation,
signifying this force, that it bindeth
me and his heires to defend
the thing if any man go about to
take it by violence upon the thing
where then is contained in
Bracton, lib. 2. ca. 16.
De alio Warrantizabimus.

Deforcceor.

Deforcceor is he that overcom-
eth another with force,
or differeth from a disseisor,
that a man may disseise
another with force, which he
simple disseisin, Britton,
Brit. cap. 33. donque si ceo que
he mayer that never was

Defendemus.

Defendemus est unusual parol
en un feffement ou donati-
on, & ad cest force, que il lia le
doner & ses heires a defender
le donee si aucun home endeaver
de imposer aucun servitude sur
le chose done, auter que est con-
teine en le donation, Bracton, lib.
2. cap. 16. num. 10. Veies auxy
Warrantizabimus.

Deforsour.

Deforsour est celuy que pre-
vaile & iest hors ove force,
& il differt d'un disseisor, pri-
merment en ceo que home poit
disseise un auter sans force, quel
Act est appel simple disseisin,
Brit. cap. 33. donque si ceo que
hoe poit deforce un aut que ne
P 2 unque

unques fuit en possession, come si plusors ont droit al terres come common heires. & un ti-ent eux hors, le ley dit, que il eux deforce nient obstant que il ne eux disseisa pas, *Vel. Nat. B. fol. 118.* Si tenant en taile fait feoffement en fee p que le fessce est eus, & puis le tenant en taile morust, & son issue fuist bñe de *Formdon* envers le feoffee, le brieve dirra & auxy le count, &c. q le fessce a tort luy deforce, &c. comt q il ne luy disseisa, pur ceo que il en le vie le tenāt en taile, & le heire ad nul present droit, *Little. fol. 138.* Et un deforsor differt de un intrudor, pur ceo que un deforsor tient hors le droit heire come avant-dit, & home est fait un intrudor per son tortious entrie solement en terres ou tenements void d un possessor, *Bract. lib. 4. cap. 1.*

Et pur ceo que force & forcible entrie en terres est cy opposite al peace & justice del Royaume, & dishonor del Roy & son Corone & le scandal de le Ley, que aucun person per nestre & serement devote al obedience del Roy & ses Leyes, presumerā de son autoritie per force & fortmaine de resister eux ambidenx per violent entruision en le possession d'un aut devāt le Ley ad decid son tittle en ceo, pur ceo divers Statutes ont estre faits p le restraint & reformation de ceux abuses, come entre autres le Statute de 5. R. 2. cap. 7. ou le Roy defend aucun entrie en terres ou tenements; mes en case ou entrie est done per le Ley, & donque ne-

in possession, as if many be right to lands as common, and one keepeth them out, the law saith, That he deforceth them though that he never disseised. *Old Nat. Br. fol. 118.* If a man in taile maketh a feoffment fee by which the feoffee is seised afterwards the tenant is in default, and his issue forth a writ of Formdon against the feoffee, so it shall say, & also the count, that the feoffee of so long kept him, &c. although he did not keep him, because that he entered in the life of the tenant in taile, and heire had no present right, *Little. fol. 138.* And a deforcere differs from an intruder, because a deforcere keeps out the right as aforesaid, and a man is made intruder by a wrongful entry only in lands or tenements of a possessor, *Bract. lib. 4. cap. 1.*

And because that forcible entry into lands is repugnant to the peace & justice of the Realm, & the dishonor of the King and his Crowne, and dishonour of the Law, that any person by force and oath devoted to the King of the King and his Law, presume of his own authority by force & strong hand to enter into the possession of another, before the Law hath decided his title therein, therefore divers Statutes have been made for the restraint and reformation of these abuses, as amongst others the Statute of 5. R. 2. c. 7. where the King forbiddeth any entry into lands or tenements; but in case where it is given by the Law, and then

being hand, or with a mul-
titude of people; but only in a
peaceable manner. See more of
this in *Poultion de Pace*, fol.
34, 35, &c.

Demandant.

Demandant is he that sueth or
complaineth in an action Real
of land, and he is called
Demandant, and in an action
Personal, as in an action of debt,
detinue, &c. such like.

Demaines.

Demaines, or **Demefines**, general-
ly signify according to the
law all the parts of any Ma-
nor which be not in the hands of
the Lord of estate of inheritance,
but they be occupied by Copi-
holders, Lessees for yeeres or for
life, as well as tenant at will.
The reason why Copthold is
called Demefines, is because
they which be tenants unto
the Lord are bound to have no
dower at the will of the
Lord, but it is still reputed to
be in the Lord's hands;
as in common speech that is
called Demefines, which
is not copy. And this
Demefines is sometimes used
in a speciall signification, and
signifieth Frank-fee, as those
lands which were in the posses-
sion of the Confessor, are
called Demefines, and all
lands which are called Frank-fee. Kir-
ch. 98. and the tenants which
hold of these lands are cal-
led tenants in ancient Demefines.
Tenants in Frank-
fee, no common person hath
the possession in the simple
signification of the word, because

my oue fort maine, ou que mul-
titude de gentz, mes solement
en un peaceable manner. Veies
plus de ceo in *Poultion de Pace*
Regis, fol. 34, 35, &c.

Demandant.

Demandant est celuy que
sue ou complaine en action
Real pur Title de terre, & il est
appel plaintife en un assise, &
en un action de det, trñs, disceit,
detinue, & tiels semblables.

Demains.

Demains, ou **Demefines**, ge-
neralment a parler solonque
le Ley, sont tous les parts de
asc' Manor q'l ne sont en mains
del Freeholders d' estate de en-
heritance, comt soyent occuper
per teñt p Copie de Court Rol'
Lessees pur ans, ou pur vie, cy-
bien come teñt a volunt. Et le
reason q' Copiehold est account
Demefins, est pur ceo q' ils q' sont
teñts a ceo, sont ad judge en Ley
dauet nul auf estat forsq' al vo-
lunt del Seignior, issint que il
est iammes repute destre en un
maner en les mains le Seignior;
& uncor en comm' plance il est
usualmt appelle Demefines, que
nest ou free ou copie. Et cest pa-
rol Demefine est asc' foyts use
e un pluis special signification,
& est opposite al Frank-fee, si-
comt ceux tres Aux fueront en le
possession d' Edou. le Confessor,
sont appel ancient Demefine, &
touts aufs sont appel frank-fee,
Kirch. 98. Et les teñts q' tient
asc' d' ceux tres, sont appel teñts
en antiēt Demefsi, les aufs, teñts
en frank-fee. Et nul comat p-
son ad asc' d'mefins en le simple
prilance del pol, q' ceo que la
nest

The Exposition of

neft aucun frere, mes que il depeñ
mediatmēt ou immediatmēt del
Corone, ceo est, de aucun honor
ou aut, appartient al Corone, &
nēy graunt en fee al aucun in-
feriour person, & par ceo quāt
un home en pledant voile en-
ferre son terre destre son de-
mesne, il dit, Que il est ou fust
seise de ceo en son demesne
come de fee, *Littleton fol. 3.* per
que appiert, que nient obstant
son terre soyt a luy & ses
heires a tous jours, uncore il
neft voier demesne, mes depen-
dant sur un Seignior paramōūr,
& tiendrāt per service ou rent,
en lieu de service, ou per service
& rent ensemble.

Demaines, solonque le com-
mon parlance, sont solement en-
tend le principal mannour
place del Seignior, que il & ses
Ancestors ont ewe de tēps hors
de memorie, en leur maines de-
mesne, & ont occupie ceo, en-
seble ove tous edifies & meafōs
quecunque: Et auxy les prees,
pastures, boys, tres eyrable, & ti-
els semblables ove ceo occupie.

Demand.

Demand est vocabulū Artis,
& si un releas a un aut tous
demands, ceo est (come *Lit. l.*
fol. 117. a. dit.) le plus meliour
release a luy, a que le release est
fait, q̄ il poet avera & pluys
urera a son advantage, car p̄ ceo
non solement tous demands,
mes auxy tous causes de de-
mands sont release. Et sont
deux maniers de demands,
cēstascavoir, en fait & en
Ley: En fait, come en ches-
cun *Præcipe* la est expresse de-

there is no land but that
pendeth mediately or immedi-
ately of the Crowne, that is,
of the honor or other belonging
to the Crowne, and not granted
to any inferior person, and
when a man is pleading
that his land so be his
he saith, That he is se-
ised thereof in fee, &c.
of fee, *Littleton fol. 3.*
it appereth, that his
land be to him and his
for ever, yet it is not
his own, but depending
of the superior lord, and
by service or rent, or
vice, or by feoffee and
other.

Demaines, according
to common speech, be only
that the lord's chief man-
nour place, so that he and his
heirs have from time out of
time in that same land, and
enjoyed the same, together
with the houses and
buildings and houses
with the meadows,
woods, & eyrable lands,
that therewith occupied.

Demand.

Demand is a word
and it is one thing to
all demands, that is
con, *fol. 117. a.* saith, that
lease to him to whom it
is made, that he can
shall well bound to his
for by it not only
demands, but also all causes
demands are released. And
are two maners of
that is to say, in fact
Ley: Indeed, as in
cipe there is expresse

in Real Actions
called Demaundant, in
small, Plaintiffe: In Law,
any Entry in Land, De-
ment, Rent, taking of sei-
sures, Goods, and such like
in the Countrey, which
are done without any words
in Law: As a re-
lease of Suits is more large then
a release of Quarrels or of Bai-
llies. So a release of demaunds
is more large and beneficiall
then a release of them, for by it is
released all that which by the o-
ther is released, and more.
The whole of all Demaunds,
of Feoffments and Inheritances
are released: By release
of all Demaunds to the
Defendant, the right of Entry
is released, and all that is
demanded therein is released: By
release of all Demaunds all Exe-
cutions are released: and by that
release all Demaunds, excludeth
him from all Bailles, En-
tries, & Seisures. And Littleton
saith, That if Tenant in
fee releaseth his Uncle, who em-
ployed another in fee to his warrant,
he releaseth by his deed re-
lease to his Uncle all manner of
demands by such release, the war-
rant, which is a Covenant real &
personal, is extinct: the reason of
this, because that by release of
the warrant the warrant is remedied,
and the cause, which any hath
by the warrant, tenements, goods, chat-
tels, &c. are extinct, and by conse-
quence the right & interest is extin-
ct: nothing: yet a release of all
demands doth not extend to such
demands, by which nothing is de-

maund, & pur ceo en Real Aci-
ons il est appelle Demaun-
daunt, en personal, Plaintiffe:
En Ley, come chescun Entrée en
Terre Distresse pur Rent, prise
ou seisure des Biens, & sembla-
ble Actes en Pays, que poient estre
fayt sans aucun pols sont de-
mands en Ley: Si come release d'
Suits est plus large que release
des Querels, ou de Actions: Is-
tant release des demaunds est
plus large & beneficiall que asc'
de eux, car per ceo est release
tout ceo que per les autres sont
release, & plus. Per release de
touts Demaunds, tous Frankte-
nements & Inheritances execu-
torie sont release: Per release de
touts Demaunds al Disseisor, le
droit de Entrée en le fere, & tout
que est cōtaine deins ceo, est re-
lease: Per releas d' tous d'māds,
touts Executions sont releas: &
cestuy q releas tous Demands,
exclud luy m de tous Actions,
Entrées, & Seisures. Et Littleton
sa. 170. reygne, Qui si Tenant ē
taylor enfeoffee son Uncle, le q
enfeoffee un autr en fee ove gar-
rantie, si apres le seoffee per son
fait releas a son Uncle tous
manys de demands, per tiel re-
lease, le garrantie, que est Cove-
nant real & executorie, est ex-
tingt: & le reason d' tout ceo est,
pur ceo q per releas des d'māds,
touts les meanes & remedies,
& les causes de eux, que ascū ad
al feres, tenements, bns, chattels, &c.
sont extinct, & p consequence,
le droit & interest mesme al
chose: uncore releas d' tous de-
mands ne extend a tiels Briefes,
p queux riens est demand, neq;

en fait, neq; en Ley, mes gisent
seulement a relievier le Plain-
tife per voy de discharge, & nemy p
voy d demand, cōe releas d tout
demaunds nest barre en brieve
de Error, de reverser un. Vi-
lagarie, & issint des semblables.
Veies 18. *Edw. 3. 59. Coke lib. 8.*
fol. 153. 154.

Demy sanke, ou sangut.

D*emy sanke* est qu'aunt un hōe
marie un feme, & ad issue p
luy un fitz ou file, & le feme
morust, & donqs il prist un ault
feme, & ad per luy auxy un fitz
ou file: Ore ceux fitz sont so-
lonque un maner freres, ou cōe
ils sont appellez demy freres, ou
freres del demy sanke, cest adire,
frere per le part de pier, pur ceo
que ils ont ambideux un pier, &
sont ambideux de son langue, &
nemy freres per le part le mere,
ne de ascun sanke ou kinne cest
voy, & pur ceo l' un de eux ne
poet este heire al aüter, car il
que voile claime come heire, al
un per discent, doyt este d en-
tire sanke a luy de que il claime.
En mesine le maner est, si feme
eyte divers issues per divers ba-
rons, qui frates uterini di-
cantur.

Demurrer.

D*emurrer* est qu'aunt a
on est port, & le Defendant
plead un plee, a que le Plain-
tite dit, Que ne voile respond,
pur ceo que il nest sufficient
plee en Ley, & le Defendaunt
dit al contrarie, Que il est
sufficient plee, & sur ceo ambi-
deux mitteront le cause al
iudgement del Court, donques

manded neither in deen
Law, but its only to relieve
plaintiffe by way of discharge,
not by way of demand, as
leas of all demands is not
a writ of Error, to reverse
a writ of Error, and so of such like.
18. *Edw. 3. 59. Coke lib. 8.*
153. 154.

Half blood.

H*alf blood* is when a man
rich a wife, and hath
her a sonne or daughter, and
wife dyeth, and then he taketh
other woman, and hath by her
a son or daughter: Now these
sons are after a sort brethren,
as they are termed half brethren,
or brothers of the half blood,
is to say, brother by the
side, because they had both
ther, and are both of his blood,
not brothers at all by the
side, nor of blood, in law
way, and therefore the one
cannot be heire to other, for
that will claime as heire
by discent, must be of blood
to him from whom he claime
the same manner it is, if a
have divers issues by diverse
bands, who are called
one mother.

Demurrer.

D*emurrer* is when any
is brought, and the Defendant
pleadeth a plee, to which
Plaintife answereth, that
will not answer, say that it is
a sufficient plee in the Law,
the Defendant saith to the
contrary, That it is a sufficient
and thereupon both parties
submit the cause to the judge.

the Court, then it is called a Demurrer, for that they goe not on to pleading, but abide the judgement of that point, as is said in the Latine used in the Books, *Moratur in Lege*.

In every Action the difference consisteth either in deed or in law; if in fact, it is tried by the Jury; if in Law, then the matter is either plaine, or difficult; if it be plaine, then arguments presently given; but if it be hard and doubtfull, then the matter is taken either by the Jury, or by the Judge, and then further thereupon by the Judge, to agree if they can, and so the matter is for all the Justices to be tried in the Exchequer, and upon hearing of which the Justices shall give their verdict, to advise the parties what to do, and which is there concluded on shall stand firme without remedy.

Denelage.

Denelage is the Law that the King made here in England out of which and Marchenage and Westsaxonlage William the Conquerour composed certain Ordinances to be observed by his subjects.

Denizen.

Denizen, or Donaison, is where an Alien borne becometh the subject, and obtaineth the Letters Patentes for to enjoy the privileges as an Englishman; if one be made denizen, he shall enjoy the same customs and divers other things as aliens, as it appeareth by the Statutes thereof made. It is to be noted that Donaison is the

ceo en appel un Demurrer, pur ceo que ils ne vont ouster en pleading, mes demurrer sur le judgement de cel poynt, & dicirur en Latine use en les Records, *Moratur in Lege*.

Car en chescun Action le difference consist ou en fait, ou en Ley; si en fait, il est trie per le Pais, si en Ley, donque le matter est ou facile, ou dure & rare; si il soit facile, donque judgement est immediatement done; mes qur il est dure & en awrust, donq; la est demur fait, & temps prise ou d consider ouster sur ceo per les Judges, d agreeer si ils poyent, ou autrement per tous les Justice d venger ensemble en le Excheqr Chambz, & sur oyer de ceo que les Sergeants dieront de ambideux ptes, de adviser & determiner que est Ley, & ceo que est la conclude per eux, estoyera firme, sauns auter remedie.

Denelage.

Denelage est le Ley que les Danes fesoient icy en Angleterre, hors de q & Merchenlage & Westsaxonlage Gulielme le Conquerour compose certeine ordinances destre observes per ses subjects.

Denizen.

Denizen, ou Donaison, est lou Alien nee, devient le subject le Roy, & obtaine le Letters Patents le Roy, pur injoy tous privileges, come un home Anglois, mes si un soit fait denizen, il payet customes, & divers aufs choses cõe Alien, come appiert p divers Statutes de ceo fait.

Il semble que Donaison est le voyer

voyer noſme iſſint appel ſi ceo que ſon legitimatiſon eſt donee a luy, & nemy Denizen, cõe drive de *Deins nec*. Et le Ley eſt cy precife en le feaſans de Donaiſons que le Roy ne poyt graunt al aſc' auſ a faire de Aliens nec, Donaiſons, il eſt per la Ley cy inſeparableme, & individualme annex a ſon royal perſon, car le Ley eſteem c' un hault prerogative, a faire Aliens nec, ſubjects del Royalm, et capable d' terres et enheritances de Anglitterre, & ſemblable maſt come aſcun natural ſubject nec eſt.

Et pur ceo l' eſtature de 27. H. 8. cap. 24. que reunite pluſors del pluys auncient Prerogatives et Regal flowers de corone a ceo, uncoir il ne pas mention aſc' autoritie de faire letſs de Donaiſation deſtre reſume, pur ceo que aſcun ne unque ceo claime pas per aſc' pretext quecunque, il eſteant un choſe de cy hault point de Prerogative. Vies co. lib. 7. Calvins caſe.

Deodand.

Deodand eſt quant aſc' Hœ p miſfortune eſt occid per un chival, ou p un charret, ou p auſ choſe que movant en aydant de mort, donqs cel choſe que eſt le cauſe de ſon mort, et que al temps de la miſfortune mova, ferra forfeit al Roy, et ceo eſt appel *Deodand*, & ceo pertine al Almoner le Roy, pur diſpoſer e' almes et over de charitie.

Mes il neſt forfeit tanque le choſe ſoit trove d' record, et pur ceo ils ne poyent eſſr claime per preſcription, et l' Jurie que trove ou preſent le mort per tiel nul-

true name, ſo called becauſe his legitimatiſon is givene and not Denizen, as was Deins nec. And the Law ſaith in the making of Deodand that the King cannot give any other to make of a horſe, Denizen, it is ſo inſeparably and inſolubly annexed to his royal perſon, the Law eſteemeth it an high prerogative, to make Aliens nec ſubjects of the Realm, capable of lands and inheritances in England, in fully ſay that ſuch a thing is a prerogative.

And therefore the Statute 27. H. 8. cap. 24. which reunites ſome of the moſt auncient Prerogatives and Regal flowers of the Crowne to the ſame, makes no mention of any authority to make letters of Donaiſation, reſumed, ſay that never any man is by any pretext ſubject to being a matter of Deodand of Prerogative. See Coke's Calvins caſe.

Deodand.

Deodand is when any miſfortune is done by a horſe, or by any other thing that moveth to ſuch death, and which at the time of the miſfortune was moved to the King, and that is Deodand, and that pertains to the Kings Almoner, to ſell almes and bodies of charity.

But it is not forfeited until the matter be found of record, ſo that they cannot be claimed by preſcription, and the Jury ſaith of preſently the body of

adventure, ought also to find a
Deodand, Co. l. 5. f. 110.
If a horse striketh one, and
killeth the owner, so that the
owner then the party that was
killed of the stroke, in this
case shall be forfeited as
Deodand, notwithstanding the
relation shall be had to the
which was before the sale,
Plow. Com. fol. 260. b.
Omnia que movent ad mortem,
Deodanda.

Departure from a plea or matter.
Departure from a plea or matter,
is when a man pleadeth a plea
to the plaintiff, and the plaintiff
replyeth thereto, and then the
party who replyeth, in his rejoinder
pleadeth of sheweth another mat-
ter contrary or not pursuing to his
plea, that is called a Departure
from his barre, as if a man
pleadeth a general agreement in
the rejoinder he sheweth an
special agreement, this
shall be adjudged a Departure in
law, so in Trespasse, if the
Defendant shall plead a dissent to
the Plaintiff's tale, that
the Plaintiff saith, that
the Defendant entered upon condition
of a lease, whereas the Plaintiff
saith, that the Defendant entered
upon condition of a lease, this
shall be adjudged a Departure
from the barre, Plow. Com. fol. 7. & 8.

Departure in despite of
the Court.
Departure in despite of the
Court, is when the Tenant or
Defendant appeareth to the action
against him, & hath a day
given him, & yet he doth not
appear, though he had no day given

adventure, doient auxy troue &
apprise le Deodand, Co. l. 5. f. 110.
Si un chival percut un home,
& puis le owner vend le chival,
& donque le partie que fuit per-
cussé morust del stroke, en c'
case le chival serra forcéit come
Deodand, nient obstant le ven-
dicion, car relation serra al serve
q fuit paramount le vendicion,
Plow. Com. fol. 260. b. (dead,
what moves to death or kild the
is Deodand and forfeited.

Departure de son plee ou matter.

Departure de son plee ou mat-
ter, est lou un hōe plede un
plee en barf, & le plaintife reply
a ceo, & il apres e son rejoinder
plead ou monstre auter matter,
contrarie ou nient pursuant a
son primer plee en barf, ceo est
appel un departure de son barf,
come si home plede un general
agreement en barre, & en le re-
joinder il alleage un especial a-
greement, ceo serra adjudge un
departure en pleading; ainsi en
Trespasse si le Defendaunt voile
pleader dissent a luy, & l'plain-
tife dit, que puis ceo le Defen-
daunt infeoffe luy, & le Defen-
daunt dit, que ceo feoffement fuit
sur condition pur l'enfriend d'
q il enter, ceo est departure d'il
barre, car est novel chose. Veins
Plow. Com. fol. 7. & 8.

Departure en spite
del Court.

Departure en spite del Court,
est quaut l'Tenant ou De-
fendant appeare al Action port
enuers luy, & ad jour ouster en
mesme le Terme, ou est demand
après, coment nul jour soit en
mesme

mesme le Terme, si ne appere mes fait default, cest un departure en despise de Court, & pur ceo il serra condemné.

Et est destre observe que departure en despighr del Court est tous foits del part del Tenant ou Defendant, & le entry de ceo est, *Quod predictus A. licet solenniter exactus non revenit, sed in contemptum curie recessit & defaultam fecit*; & ceo est quant en judgement del Ley il est présent en Court, & esteant demand, depart en despighr del Court, ceo amount a un barre en respect del despighr & contempt al Court. Veies Coke lib. 8. fol. 62.

Deprivation.

Deprivation est qnt un Abbe, Eveque, Parson, Vicar, Prebend, &c. est deprive ou depose de son presment pur ascun chose en fait ou en Ley. Come si un Miscreant ou Schismatic soit present, admit, & induct, la est bone cause de deprivation: Il sint si meins Laicus soit present, admit, institute, & induct, uncore il serra deprive: Il sint si le Incumbent ad pluralite des Benefices: Il sint si ne subscribe a les Articles de Religion, selonque l'estatute de 13. Eliz. cap. 12.

Et per l'estatute de 21. H. 8. cap. 13. est enact, que si ascun person ayant un Benefice oue *cure animarum* del anual valur de huiet liirs, ou ouster, accepta ou prendra ascun aut oue cure des almes, & soit institute, & induct en le possessio de ceo, q sur

him, so that he be in the law, if he do not appeare, but default, it is a departure in despight of the Court, and therefore he be condemned.

And it is to be observed that departure in despight of the Court, is always of the Tenant or Defendant, the entry thereof is, *Quod dictus A. licet solenniter exactus non revenit, sed in contemptum curie recessit & defaultam fecit*; this is when in judgement of Law he is present in Court, being demanded, departed in despight of the Court, this amounteth to a barre in respect of the despight and contempt to the Court. See Coke lib. 8. fol. 62.

Deprivation.

Deprivation is when an Bishop, Parson, Vicar, Prebend, &c. is deprived of his presentment for any cause in fact or in Law. As if a Miscreant or Schismatic be presented, admitted, and inducted, there is good cause of Deprivation: As if a meer Layman be presented, admitted, instituted, or inducted, yet he shall be deprived: So if the Incumbent have plurality of Benefices: So if he do not subscribe to the Articles of Religion, according to the Statute of 13. Eliz. cap. 12.

And by the Statute of 21. H. 8. cap. 13. it is enacted, that if any person having a Benefice, or cure of soules of the yearly value of eight pounds, or more, shall accept or taketh any other such cure of soules, and be instituted or inducted into the possession thereof,

upon the first Benefice
and the Incumbent
is out of the said Benefice
And in the case afore-
said the Bishop needeth not to
give notice to the Patron, be-
cause the Deposition is by
the Parliament, to which eve-
ry party ought to take
notice of his perill; but otherwise
if the first Church be not
of the value of eight
hundred shillings, then it is hold merely
ecclesiasticall Law, whereof
the Patron need not to take no-
tice of his perill. See Coke, lib. 4.
fol. 43. b.

Deputie.

Deputie is he that occupieth in
another mans right, whether
in Office or any other thing
and his forfeiture or misde-
meanour shall cause the Officer or
whose Deputy he is, to lose
his Office or thing. But a man
may make his Deputy in all
things, except the graunt so be:
that he be with these or such like
words, To exercise or use by
me or his sufficient Depu-
ty, if the words goe further,
as he will of his Deputy, or
by the power of his Deputy, then
he may make a Deputy, and
his Deputy also may make a
Deputy, or else not: As if the
office of a Parkership be gran-
ted to a man, he cannot graunt this
to another, because it is
an office of trust and confidence,
and shall not be forfeited: And
there is great diversity betwene
the assignee of an office, for
if he be a person that hath
no interest in the Office it

the first Benefice serra voida,
& le Incumbent en c' case est
ousté ou deprive per session:
Et en le case avantdit, ne be-
soigne al Evêque a doner no-
tice al Patron, pur ceo que
le Deprivation est per Act de
Parliament, a que chescun est
partie, & doit prender notice
a son peril; mes auterment est si
le premier Eglise ne soit de an-
nuel value de huit cent livens, car
donque ceo est voidé merement
per l' Ecclesiastical Ley, dont le
Patron ne besoigne apprender
notice a son peril. Veies Coke,
lib. 4. fol. 76. & lib. 7. 43. b.

Deputie.

Deputie est celuy que occu-
pia en auter droit, soit ceo
Office ou ascun auter chose, &
son forfeiture ou misdemeanour
causera l' Officer ou celuy quel
Deputie il est, de perdre son
Office ou chose. Mes un ne
peut fayre son Deputie en tous
cases, nisi le graunt soit issint:
sicome il soit oue ceux ou ti-
tels semblables parolx, *Exercen-
do per se, vel sufficientem de-
putatum suum*, ou si les parolx
va ouster, *Per se vel deputatum
suum, aut deputatum deputati*,
donques il peut faire un deputie,
& son deputie, auxy peut faire
un deputie auterment nemy: Cœ
si le office de Parkership soit
grant a un, il ne peut grant a ceo
ouster a un auf, pur ceo que est
Office de trust & confidence, &
ne serra forfeit: Et la est grand
diversité int deputie & assignee
d'un Office, car un assignee est
person que ad estate ou interest
en le Office mesme, & fait tous
choies

choses en son nomme demesne, pur que son grantor ne respondera si non que soit en especial cases, mes un deputie nad aucun estat ou interest e l'Office, mes est forsque l'ombre del officer & fait tous choses en le nomme del officer m, & rien en son nomme demesne, & pur que son grantor respondera: & quant un officer ad power a faire assignes, il poit implice faire Deputies, car *enū licet quod minus est non licere*, & pur ceo quant office est graūt a un & a ses heires, per ceo il poit faire assignes; & per consequence il poit faire Deputies. Le Roy per ses Letters Patents commit al Viscount *Custodiam Comitatus*, sauns expresse parols de faire Deputie, & uncore il poit faire un South-Viscount, cestascavoir son Deputie: Munt quant devant le statute de *Quia emptores terrarum*, le Roy ou auter Seignior ad done terres a un Chivaler, a tener de luy per Service de Chivaler, cest adire, d aler oue son Seignior quant le Roy fait Voyage Royal a subduer ses ennies, pur 40. jours bien & convenablement array pur le guerre, ore il poit trover auter able person, uncore en l'un cas il concerna le publique adinistracion & execution del Justice en temps de peace, & en l'aut le publique defence del Royalm en temps de guerre. Veies *Coke lib. 4. Le Countee de Salops case.*

Dereyne.

Dereyne est prise e diūs maners, & semble a vener del

selfe, & doth all things in his name, for he hath his grantor not answer, unless it be in special cases, but a Deputy hath estate or interest in the Office, is onely the shadow of the officer, and doth all things in the name of the officer himselfe, and not in his owne name, and for his grantor shall answer. Where an Officer hath power to make assignes, he may make Deputies, for He hath more, it ought not to be unlawfull to him to doe less, therefore when an office is given to one and to his heires, by the statute he may make assignes, and by consequence hee may make Deputies. The King by his Letters Patents commiteth to the Sheriffe the custody of the County, without expresse words of making Deputies, and yet hee may make an Under Sheriffe, viz. his Deputy. Before the statute of *Quia emptores terrarum*, the King or other lord had given lands to a Knight to hold of him by Knights Service, that is, to go with his horse to the King in his voyages, to subdue his enemies for him, well and conveniently arrayed in the warre, yet he may find another able person, whome in any case it concerneth the publicke administration and execution of Justice in time of peace, and the other, the publique defence of the Realme in time of warre. See *Coke lib. 9. Le Countee de Salops case.*

Dereyne.

Dereyne is taken in divers sorts, and seemeth to

the French word *Disarroyer*,
 to confound or put out
 of use of the Norman
 word, which is the deni-
 al of a man's own act, and *Lex*
 was the proofe of a thing
 to be done by
 which his aduersarie
 to be done, defeating
 the assertion of
 the adversary, and shewing it
 without and against rea-
 son, probabilitie which hee a-
 voucheth: And in our Law it is
 used, first generally to
 say, *Dirationabit jus su-
 propinquior*, Glanville
 cap. 6. and he, lib. 4. cap. 6.
*habeo probos homines qui
 & audiverunt*, & parati
 ad dirationare. In the same
 Bracton useth it in these
 words, *habeo sufficientem disra-
 tionem & probationem*. By
 statute of 31. H. 8. cap. 1.
 Tenants and Tenants in
 shall have ayde to the
 to deraigne the Garrantie
 amount. So Plowd. in Man-
 xels case, fol. 7. b. hath this case, if
 an estate in fee with
 an estate, and enfeofeth a stran-
 ger, the garrantie is dyeth, and
 the voucher his heire, the
 deraigne the first war-
 rantie. Also this word is used
 religious men forsake their
 professions, as in Kitch.
 fol. 152. b. if a man maketh a lease
 upon condition, that if the
 lease without issue, then the
 lease shall have fee, the lessee enters
 in fee, & then the lessor dyeth
 without issue, & after the lessee is de-
 raigned he shall not have fee, in fe-

par al Francoies *Disarroyer*, ceo
 est, confoundre ou mitre hors d'
 order, ou auterment del Norman
 parol *Desrene*, que est le denial
 del proper fait d'un hōe, & *Lex*
deraisnia fuisse le proofe d'un
 chose que un denia destre fait
 per luy mesme, que son adver-
 sarie affirme destre fait, de-
 featant & confondant le asser-
 tion de son adversarie, & mon-
 strant ceo destre sauns & en-
 vers reason ou probabilitie que
 est avouch: Et en nostre Ley
 il est variousement use, primer-
 ment generalment de prover, cōe,
Dirationabit jus suum heres
propinquior, Glanville l. 2. c. 6. &
 il, lib. 4. c. 6. dit, *habeo probos ho-*
mines qui hoc viderunt & audi-
verunt, & parati sunt hoc dira-
tionare. En mesme le manner
 Bracton ceo use en ceux parols,
habeo sufficientem disrationatio-
nem & probationem. Per l'esta-
 tute de 31. H. 8. c. 1. Joyntenants
 & Tenants en Common, averont
 ayde al intent a deraigner l'gar-
 rantie paramount. Ilint Plowd.
 in *Manxels case*, fol. 7. b. ad cest
 case, si home ad estat en fee oue
 garrantie, & infeofee estranger,
 oue garrantie & morust, & le
 feoffee vouch son heire, le heire
 deraignera le primer garrantie.
 Auxy cest parol est use quaut
 religious homes waiva lour or-
 ders & professions, cōe en *Kitch.*
 fol. 152. b. si hōe fait leas pur vie
 sur condition, que si le lessor de-
 vie sauns issue, que donques le
 lessee avera fee, le lessee enter en
 religion, & puis le lessor devie
 sauns issue, & puis l'lessee est de-
 raigned il n'aura fee entant que al
 temps

The Exposition of

temps de la condition le sce ne
poit vest en luy.

Det.

DEt est un Briefe, & gift lou
aſcun ſomme d'argent eſt
due a un per reaſon de accompt,
bargaine, contract, obligac', ou
aut eſpecialtie, a eſtre pay a aſc'
certaine jour, a q'l jour il ne paia
pas, donques il aver ceſt Briefe.
Mes ſi aſcun ſomme d'argent
ſoit due a aſcun Seignior per ſon
Teſt, pur aſcun rent ſervice, le
Seignior ne unq's aia action de
Det pur ceo; mes il covient
touts foits diſtreine pur ceo.
Auxy pur rent charge ou rent
ſecke, quel home ad pur terme d'
ſon vie, en taile, ou en fee, il na-
vera action de Det cy longe cõe
le rent endure, mes ſes executors
poyent aver un action de Det
per les arrerages d' aſc' des dits
rent due en le vie lour teſtator,
per l'eſtatute 32. H. 8. cap. 37.

Mes pur les arrerages de rent
reſerve ſur un Leaſe pur terme
de ans, le leſſor eſt a ſon electi-
on de aver action de Dette, ou
pur diſtreiner: mes ſi le leas
ſoit determinẽ, donques il ne di-
ſtreinera apres pur cel rent: mes
covient luy daver un action de
Det pur les arrerages.

Et nota, Que per le Ley del
Realme Det eſt ſolement priſe
deſurder ſur aſcun contract ou
penaltie impoſe per aſcun Sta-
ture ou paine, & nemy p' auter
offences, come en le Civile Ley,
Debitum ex delicto.

Si home entre Tavernẽ a
boyer, & quant il ad boya,
il d' ala; & ne voet pay le Tayer-
ner, le Taverner n' avera action

much as at the time of the
on the ſce cannot beſt to pay
Debt.

DEbt is a writ, and
where any ſumme of
due to a man by reaſon
count, bargain, contract,
tion, or other eſpecialty to be
at a certain day, at which
payeth not, then he ſhall
writ. But if any ſumme
be due to any Lord by
nant for any rent ſervice,
Lord ſhall never have
Debt for that, but it belongeth
alway to diſtreine for it.
rent charge or rent ſecke,
any man hath for life, in
in fee, he ſhall not have
of Debt as long as the man
tinneth, but his Executors
have an action of Debt for
rerages of any of the ſaid
due in the life of their teſtator,
the Statute, 32. H. 8. cap. 37.

But for the arrerages of
reſerved upon a Leaſe for
of yeeres, the Leſſor is
lection to have an action of
or for to diſtreine: but if the
be determined, then he
diſtreine after for that
he muſt have an action of
the arrerages.

And nota, That by
of the Realme Debt is
ken to ariſe upon ſome
or penaltie impoſed upon
Statute or paine, and not
offences, as in the Civile
Debitum ex delicto.

If a man enter into a
to drink, and when he hath
he goeth away & will not
Taverner, the Taverner

an action of trespasse against
his entrie, but that haue an
Debt for the wine.

Whether cloth to a Tailor to
be made, if the price be
agreed on in certayne before,
which I shall pay for the ma-
king, shall not haue an action of
trespasse against me, that is to say, a
general action of Debt, but in
the case the Tailor shall haue a
special action of Debt, and shall de-
mande his money, and it shall be put to
the jury how much he deserveth.

But if a Tailor make a Bill,
which sheweth the making and
the necessities thereunto, hee shall
haue an action of Debt for his
labours, unlesse that it was so
agreed, but in such case he
shall haue the garment untill he
be paid, as an Hostler may his
chival for meat by him ta-
ken. lib. 8. 147.

Deuastaverunt bona

Testatoris.

Deuastaverunt bona Testatoris,
when the Executors will
not pay the Legacies that their Te-
stator hath given, or make restitu-
tion of wrongs done by him, or
pay debts due unto contracts,
or debts upon specialties,
the terms of payment are not
observed. And keepe not suf-
ficient in their hands to discharge
the debts upon records or spe-
cialties, that they are compella-
ble by the Law to satis-
fy, they shall be constrained
to sell their owne goods the-
rewith at the first by the
Ley, they were compelled to pay,
according to the value of what
was due, or paid by compul-
sion.

de Trespasse vers luy, pur son
entrie, mes avera action d' Debr
pur le Vine.

Si Jeo deliver drape a un Tail-
lor daver un toge fayt, si le price
ne soyt agreee en certaine d'vant,
comebyen Jeo payera pur le fea-
sance il navera action de Debr
vers moy, cestascavoir, un gene-
ral action de Debr, mes en tiel
case le Taylor avera special acti-
on de Debr, & countera special-
ment, & il serra mis al Jurie,
quaunt il deserve.

Mes si un Taylor fayt un Bill,
& il mesme rate le feasance &
les necessaries a ceo, il navera
action de Debr pur ses values
demefne, si non que fuit issint e-
specialmēt agreee, mes en tiel case
il poit deteyner le garment tanq
il soyt satsife, come un Hostler
poit le chival de son guesst, pur
viands per luy prise, col. 8. 147.

Deuastaverunt bona

Testatoris.

*Deuastaverunt bona Testato-
ris,* est quant les Executors
voile deliver les Legacies q̄ leur
Testat ad done, ou faire restitu-
tion pur torts faits per luy, ou
pay ses debts due sur contracts,
ou aufs debts due sur specialties,
q̄ jours de payment ne sont un-
core venus, &c. Et ne gard suffi-
cient ē leur maines pur dischar-
ger ceux debts sur recordes ou
specialties, q̄ ils sont compella-
ble primermt per le Ley d' satis-
fier, donq̄s ils seront constrain
d' payer de leur biens demefne
ceux duties, le q̄l al primes p le
Ley ils fueront compelles de
payer, accordant al value de ceo,
q̄ ils deliverount ou pay sauns
compulsion.

The Exposition of

compulsion, car tiels payments
d' debts, ou deliverie d' legacies,
cōc est avantdit, devant debts
payes sur specialties ou records,
quel jours de paymēt sont a ore
venus, sont account ē le Ley, un
vāstant des biens del Testator,
cy taunt come si ils ad done eux
sauns cause, ou vend eux & con-
vert a lour proper use.

Et pur ceo si A. soyt lie en
Recognisance, ou en Statute
Merchaunt ou Staple, & puy
recoverie est ewe vers A. en
action de debt, & A. fayt ses
executors, & morust, ses execu-
tors sont tenus per la Ley a
payer le debt due sur le recove-
rie, coment que soyt puisne de-
vaunt le debt due per Recogni-
sance ou Statute, pur ceo que
soment que ambideux sont re-
cords, uncore le judgement en
le Court le Roy, sur judicial
& ordinary proceeding, est
pluis notorious & conspicuous,
& de pluis hault & eminent de-
gree q un Statute ou Recogni-
sance prise en privat, & per con-
sent des parties, & p ceo preferre
en judgement del Ley devant
Recognisance ou Statute, & si
l'executors ne ceo primerment
satisfia donq sils nont des biens
le mort ē lour maines, il respon-
deront ceo d' lour biens d' mesm.
Issint l' Ordinarie ayant biens
d'un que morust intestat, en ses
maines p sequestratiō, & un acti-
on d' d'bt sur un obligatiō, al va-
lue des dits biens, soit port vers
luy come ordinarie, il ne dispo-
sera ou administerra ascun par-
cel de les dits biens a les auters
creditors a son pleasure, mes est

son, for such payments of debts
delivry of legacies, as is
said, before debts paid upon
specialties & records, whose
payment are already come, are
counted in the Law a selling
the goods of the Testator, as
as if they had given them
without cause, or sold them, or
converted them to their own use.

And therefore if A. be
in a Recognisance, or in a
Statute Merchant or Staple,
after recovery is had against
in an action of debt, and A.
hath his Executors, & dyeth,
Executors are bound by the Law
to pay the debt due upon the re-
covery, although that it be
before the debt due by Recogni-
sance or Statute, because
though that both are Recogni-
sance or Statute, yet the
Court, upon judiciall and ordi-
nary proceeding, is more notorious
and conspicuous, and of a
high and eminent degree than
Statute or Recognisance taken
in private and by consent of
parties, and therefore the
judgement of the Law before
Recognisance or Statute, if the
executors doe not satisfy the debt
first, then if they have no goods
the dead in their hands, they
pay it of their owne proper goods.
So the Ordinarie having goods
of one that dyeth intestat in his
hand by sequestration, and an action
of Debt upon an obligation, the
value of the said goods is taken
against him as ordinary, and he
not dispose or administer any
cell of the said goods to the
creditors at his pleasure;

to satisfie the debt first, for
an action is brought a-
gainst him. Dy. fol. 232. pl. 5.

Devenerunt.

Devenerunt is a writ directed
to the Escheator, when any
of the Kings Tenants holding
in fee simple, and when his son
is within age, and in the
custody dyeth, then shall
the writ goe forth, commanding
the Escheator, that he by the oath
of twelve lawful men enquire what
tenements by the death
of the Tenant come to the King,
Dy. fol. 360. pla. 4.

Devest.

Devest is a word contrary to
Invest, for as *Invest* signifi-
eth to have the possession of a
thing, so *Devest* signifieth the ta-
king away of the possession.

Devise.

Devise is where a man in his
last will giveth or bequeath-
eth his goods or his lands to an-
other after his decease. And where
the devise is made of goods, if the
executors will not deliver the
goods to the person named in the
will, the Devisee hath no re-
medy by the common Law, but it
is his to have a citation
against the Executors of the Te-
stator to appear before the Or-
dinary, where he may shew how he performs
the will of the Testator, for
the Devisee may not take the he-
ritage into his hands himselfe, but it
is delivered to him by the
Ordinary.

By the Common Law, if a
man be seized of lands in
fee simple, as of fee, and devise
the lands by Testament,

then a satisfier le debt primes, d-
que un action en attempt vers
luy. Dyer fol. 232. placito 5.

Devenerunt.

Devenerunt est un Brieve di-
rect al Escheator, quant a se-
Tenants le Roy que tient en a-
pite morust, & qnt son firs &
heire deins age, & custodie le
Roy, morust donq cest Brieve is-
sera, commaundemt l' Eschea-
tor, Que il per le seremt d pro-
bes & loyals homes, enquire q
terres ou tenements p le mort
le Tenant, deveigne al Roy, &c.
Veies Dyer fol. 360. pla. 4.

Devest.

Devest est un parol contrary
al Invest, car cœ Invest sig-
nifie a trader le possession d'un
chose, issint Devest signifie lau-
ferance d'un possession.

Devise.

Devise est lou un e son Testa-
met done ou grant ses biens
ou ses terres a un autre apres son
decease. Et lou tiel devise est
fait des biens, si les Executors
ne voylent deliver les biens ou
autres chattels personnels a le
Devisee, le Devisee nad remedie
per le Common Ley, mes il co-
vient de aver un citation vers
les Executors le Testatour, d
appearer devant le Ordinary,
demonstrer p quoy il ne per-
forma le volunt le Testator,
car le Devisee ne poit prendre
le legacie & luy m servi, mes il
doit estre deliv a luy per les ex-
ecutors.

Mes per le Common Ley, si
homme fuit sole seisse de terres
en son demesne come de fee, &
devise les firs p son Testament,
cest

The Exposition of

cest Devise fuit voyde, si non le
fres fueront en un Citie en Bo-
rough, lou fres sont demisable
per custome. Mes si ascun home
fuiſſoit enſeoffe al uſe d'un auſ
& ſes heires, & ceſty a que uſe il
fuit iſſint ſeiſie ſefoit devise de
ſes fres, ceſt Devise fuit boſh, com-
ment que il ne fuit en Ville lou
terres ſont devisable.

Auxy ſi ascun home devise
fres é Citie, Ville, ou Borough,
devisable, & le Devifour devie,
ſi ſon heire ou ascun auter abate
en les terres, donques le Devisee
avera Brieſe de *Ex gravi quere-
la*. Mes ceſt Brieſe ne ſerra jam-
mes plede devaunt le Juſtice le
Roy, mes touts foys devaunt le
Maior ou Bailife en le dit Ville.

Et ore al fine de monſtre
quant les Leyes de ceſt Roy-
alme, & les diſcreet Judges de
ceo, queux ſont les Interpre-
ters de le Ley, ont favour Vo-
luntés & Testaments, & iſſint
Deviſes, en yeelding al eux tiel
reasonable conſtruction come
ils penſant poir byen agreer oue
les mentes de les morts, conſi-
derantes que Volunts & Te-
ſtaments ſont pur le pluis part,
& per common intendement
fayt quauant le Teſtatour eſt
ore en grand langour, feeble,
& paſſa tout ſperans de reco-
verie: Car il eſt un opinion en
le Payes inter le greinder nom-
bre, que ſi un home per chance
ſoit cy prudent, come de fayre
ſon Volunt en ſon bone ſanitie,
qñ il eſt ſtrong, d' bone memo-
rie, & ad temps & opportunite,
& poyt demaunde counſel, ſi
aſcun doubt ſoit de le Learned,

this Devise was void, unless
lands were in City or Bo-
rough, where lands be devisable
by custome. But if any man be
inſeoffed to the uſe of another
his heires, and he to whom
hee was ſeiſed, did make uſe
of his lands, this Devise was boſh,
though it be not in a Town where
lands are devisable.

Also if any man devise lands
in City, Towne, or Borough, de-
viſable, & the Devifour die, his
heire or any other abate in
lands, then the Devise ſhall be
a Writ of *Ex gravi querela*. But
this Writ ſhall never be granted
before the Kings Juſtice, but
ſwayes before the Juſtice in the
liſtes in the ſame Towne.

And here to the end to ſhew
how much the Lawes of this
Realme, and the wiſe Judges
Judges of the ſame, who are
Interpreters of the Law, do
favour Wills and Testaments,
in Deviles in yeelding to them
a reasonable conſtruction as they
thinke might beſt agree with the
mindeſ of the dead, conſidering
that Wills and Testaments are
for the moſt part, and by com-
mon intendment made when the
Teſtatour is now very feeble
weake, and paſſeth all hope of
recovery: For it is a common
opinion in the Country, and moſt
moſt, that if a man have
chance to be ſo wiſe as to make
his Will in his good health
when he is ſtrong, of good me-
mory, and hath time and ſu-
ſure, and might aſke counſel,
if any doubt were of the Law,
that then he ſhould make

long after, and therefore they
it to such time when as it
more convenient to apply
to the dispositions of
lands, then of their lands or
except it were that by the
and recital of them
time, it might bee a cause
them in minde of some
goods or lands falsly got-
and so move them to restitu-
ec. And at that time the pen-
of such wills are commonly
to the Minister of the
or to some other more
than bee who knoweth
what words are necessary to
an estate in fee-simple, fee-
for terme of life, or such like,
many other mischiefs: And
therefore here set downe some
cases as are most common
amongst mens moethes, & doe
by the wise interpretations
Judges, as is aforesaid, a
and more favourable sense
than in Deeds.

And therefore, if one devise to
by his Will all his lands and
tenements, here not onely all those
that he hath in possession do
but all those that he hath
reversion of, by vertue of those
words, Tenements.

And if land be devised to a man
for ever, or to have
him and his assignes, in these
cases the devisee shall have a
fee-simple. But if it be given by
will in such manner, he hath
an estate for terme of life.

And if a man devise his land to
another, to give, sell, or doe there-
at his pleasure or will, this
is fee-simple.

que donqs il ne doit vivre long
apres & pur ceo ils ceo deferre
tanq; tiel temps qu'aunt ceo soyt
pluis convenient le applyer eux
mesmes a le disposition de leur
Almes, q̄ d̄ leur f̄res & biés, si nō
q̄ il soit q̄ p̄ fresh memory & re-
cital d̄ eux a cest tēps, il poit est̄
un cause de m̄t̄ eux en ment d̄
ascū de leur biés ou f̄res fauxm̄t
purchase, & dissint move eux al re-
stitutiō, &c. Et a cest tēps l'esc̄ri-
pture d̄ tiels Volunts sont com-
munem̄t commit al Minister del
Paroch, ou al asc' aut plus igno-
rant q̄ luy, q̄ ne scavoir queux
parols s̄t necessarie p̄ faire un es-
tat en fee-simple, fee-taille, pur
tēme d̄ vie, ou tiels sēblables, pr̄t̄
diūs auts mischiefs: Jeo voil' pur
ceο mis si ascuns de ceux casēs
queux s̄t pluis common en les
bouches d̄ les ignorant hōes, &
portont p̄ l' scavient interpreta-
tions d̄ les Judges, cōe est avant-
dit, un large & pluis favourable
sense en Volunts, que en Faits.

Et pur ceο primerm̄t, si un de-
vise al J. S. p̄ son Volunt, tous
ses f̄res & tenem̄ts, icy nō sole-
ment tous ceux f̄res q̄ il ad en
possession passont, mes at̄ux ceux
d̄ q̄ il ad en reversion, per ver-
tue d̄ ceux parols, Tenem̄ts.

Et si f̄res son d̄vise a un hōe,
a aver a luy imperpetuum, ou a-
ver a luy & ses assignes, en ceux
deux casēs le devisee avera fee-
simple. Mes si soyt done p̄ feoff-
ment en tiel maner, il nad for-
que estate pur terme de vie.

Auxy si un home devise ses
terres al aut, pur doner, vender,
ou faire de ceο a son volunt &
pleasure, cest fee-simple.

The Exposition of

Un devise fait al un & a les heires males, fait un estat taile : Mes si tiels parols sont mis en un fait d'f feoffment, il ferf prise fee-simple, pur ceo que il nappiert de que corps les heirs males serra engender.

Si terres sont done per fait al J.S. & a les heires males de son corps, &c. que ad issue file, que ad issue fits & mourist, la le terre revertera al Donour, & le fits de file navera ceo, pur ceo que il ne poit a luy mesme conveyer per heires males, car la mere est un obstacle a ceo : Mes autrement est de tiel devise, car la le fitz del file ceo avera plustost que le Volunt serra void.

Si un devise al Enfant en *ventre matris sue*, cest bone devise, autrement est per feoffment, graunt, ou done, car en ceux cases il doit estre un del habilitie pur prendre maintenant, autrement il est voide. Veies 14. *Eliz. D.* 304.

Un devise fait en fee-simple sauns expresse parols del heires, est bone en fee-simple.

Mes si un devise soit al J.N. il avera les fres forsque pur terme de vie, car ceux parols ne voilert porter greinder estate.

Si un voile que son fits J. a vera son terre puis le mort sa feme, icy le feme le devisor avera le terre primes pur terme de sa vie. Il sint si home devise ses biens a sa feme, & que apres le decesse de son feme, son fits & heirere avera le meason ou les biens sont, la le fits navera le meason durant le vie d' le feme :

A devise made to one and his heires males, doth make an estate tail: But if such words be put in a deed of feoffment, it shall be a fee-simple, because it doth not appear of what body the heires males shall be begotten.

If lands be given by deed to J.S. and to the heires males of his body, &c. who hath issue a daughter, who hath issue a son, &c. there the land shall remain to the Donor, & the son of the donor shall not have it, because he cannot convey himselfe by heires males for his mother is a let thereto: but otherwise it is of such a devise, for there the son or daughter shall have it, rather than the Will shall be void.

If one devise to an Infant in his mothers belly, it is a devise, otherwise it is by feoffment, graunt, or gift, for in such cases there ought to be some disability to take presently, & otherwise it is void. See 14. *Eliz. D.* 304.

A devise made in fee-simple without expresse words of inheritance is good in fee-simple.

But if a devise be made to J.N. he shall have the land but for terms of life, for those words do not carry no greater estate.

If one will that his son shall have his land after the death of his wife, here the wife is a devisee shall have the land for terms of life. So likewise if a man devise his goods to his wife, and that after the death of his wife, his son or heir shall have the house where the goods are, the son shall not have the house.

of the wife: for it doth
that his intent was, that
should have the house also
of her life, notwithstanding
was not devised to her by
her husband.

As he be to J. N. and to the
heirs of his body begotten,
he devise hath issue a son &
a daughter, here the daughter
is the land, and not the son,
for he is the most worthy per-
son heir to his father: But
the will of the dead is, that
the daughter should have it, in so
much as conscience will so also.

As herein the very Heathens
wrote, as appeareth by
the verses of Octavius Au-
gustus, which Donatus reporteth
after that Virgil at his
death gave commandment that
his body should be burnt, be-
cause they were imperfect, and
he was perswaded that they
should be saved, as indeed they
were, to whom he answered
that: But faith and law
needs be kept, and what
the law doth say: And what it
doth command be done, that needs
must obey.

Devoire.

Devoire is as much to say as a
duty, and this word is used
in the Statute of 2. R. 2. cap. 3.
where it is provided that all the
Merchants, being of
the King's amity, shall pay all
the customs & subsidies,
and other debvoirs of Calais. See
the Stat. 5. ejusd. Reg. c. 2.

Devorce.

Devorce, divorcium dictum est
à diversitate mentium, quia in

Car il appiert que son intent
fuit, que sa femme doit aver
le meison auxy pur terme
de sa vie, nient obstant il ne
fuit devise a luy per expresse
parols.

Si un devise soit al J. N. & a
les heires females de son corps
engendres, apres le devisee ad
issue fits & file, & morust, icy
le file avera le terre, & nemy le
fits, & uncore il est pluis digne
person, & heire al son pierce:
Mes pur ceo q̄ volunt del mort
est, que le file doit ceo aver, ley
& conscience voer issint auxy.

Et en cest poient les Hea-
thens fueront precise, come ap-
piert p̄ ceux Verses d'Octavius
Augustus, que Donatus report,
il fesoit apres que Virgil a son
mort donoit commandement
que ses livres doient estre com-
bure, pur ceo que ils fueront
imperfect, & uncore ascuns per-
suadont que ils doyent estre
save, come en fait ils happi-
ment fueront, a que il respond
issint: Sed Legum servanda
Fides, suprema voluntas: Quod
mandat, fierique jubet, parere
necesse est.

Devoire.

Devoire est tant adire, come
dutie, & cest parol est use en
le Statute de 2. R. 2. cap. 3. ou est
purviewe, que tous Merchants
del West, esteant del amitie le
Roy, payera tous manners des
customs & subsidies, & auters
devoires de Calais. Veies le Sta-
tute 5. ejusd. Regis cap. 2.

Devorce.

Devorce, divorcium dictum est
à diversitate mentium, quia

The Exposition of

in diversas partes eunt qui dis-
frabunt Matrimonium, ou auter-
ment *Divortium*, vient del verbe
Diverto, que signifie de retur-
ner arere, pur ceo que puis le
divorce parent le baron & feme,
il luy retourne arere a sa pere, ou
auter amies, ou al lieu de que
il luy prist.

Et coment que Devorce ne
unques fuit approve per le Di-
vine Ley, mes al contrarie pro-
hibite come appiert per cest
mandat, *Quod Deus conjunxit*
homo non separet, uncore en
touts ages & bien dispose com-
mon-weales il ad estre use &
permit. Et issint a cest jour oue
nous la font divers causes pur
queux baron & feme poient
estre divorce, come primerment
causa præcontractus.

Et pur ceo si home marrie oue
feme præcontract, & ad issue per
luy, cest issue en Ley & en ve-
riti: port le surnome de son pi-
er: mes si puis le baron & feme
font divorce pur le præcontract,
ore l'issue ad parde s^o surnom,
& est devenus Bastard, & *nullius*
filius; *Co. lib. 5. fo. 66.*

Et divorce poit estre *causa*
frigiditatis, & pur ceo si home
soit espouse a un feme, & puis
ils font divorce *causa frigidi-*
tatis, & donque le home prist
auter feme, & ad issue per luy,
uncore cest issue est legitime,
pur ceo que home poit estre *ba-*
bilis & inhabilis diversis tem-
poribus, & per le divorce *causa*
frigiditatis le mariage fuit dis-
solve à *vinculo matrimonii*, & p
consequence chesc de eux poit
marrie arere. *Co. lib. 5. fol. 98. b.*

diversas partes eunt qui dis-
frabunt Matrimonium, or else Divorce
commeth from the verbe *Diverto*
which signifieth to returne
because that after the Divorce
betweene the husband and wife
he returneth her againe to his fa-
ther or other friends, or to a
place from whence he had be-

And although that Divorce
was never approv'd of by the
Divine Law, but contrarie
prohibited, as appeareth by the
precept, Let no man separate
which God hath joynd together
yet in all ages and well-gov-
ned common-weales it hath be-
used and permitted. In like ma-
ner at this day with us there are
divers causes for which the hus-
band and wife may be divorced
as first *causa præcontractus*.

And therefore if a man mar-
ried with a woman præcontracted,
and hath issue by her, this issue is
legitimate & in truth beares the surname
of his father: but if after the husband
& wife be divorced for the præcon-
tract, there the issue hath not his
surname, & is become a Bastard,
and nullius filius, *Co. lib. 6. fol. 66.*

And divorce may be *causa*
frigiditatis, and therefore if a man
be married to a woman, and
they are divorced *causa frigidi-*
tatis, and then the man taketh
another wife, and hath issue by her,
yet this issue is lawfull, because
that a man may be *habilis & in-*
habilis diversis temporibus, & by
divorce *causa frigiditatis* the mar-
riage was dissolved, à *vinculo*
Matrimonii, and by consequence
either of them might marry a-
gain, *Co. lib. 5. fol. 98. b.*

A man may be devorced, *in impubertatis*, or *Minoris* age, and in this case if two are *infra annos nobiles*, and the full age devorce is had against them, this dissolbeth the marriage, and the woman may at- taine an Affise against the hus- band, for the lands or tenements which her in Frank-marriage, 19. lib. Affise Pla. 2. No other may be had, *Causa professio- nis*, *Causa consanguinitatis*, *Causa fornicationis*, and for many other, which would be over long to rehearse.

It is requisite, that in the case of Devorce the cause be shewed, because that Devorce dissolbeth the Ma- trimony, that is to say, A vinculo matrimonii bastardeth the issue, & the wife of dower, & some- times & thoro, the which dis- solveth not the Matrimony, nor the woman of dower, nor the issue.

It is to be observed, that Devorce is a Judgement spiritual, & is to be reversed in the Spi- ritual Court. See Coke lib. 7. *Ken- nys case*.

A woman Copholder of cer- tain land, Durante viduitate sua, according to the custome of the land, witheth the land, and be- comes the sole owner of the coigne ta- ble: husband, the Lord shall have the Embleaments, and not the husband: But if a Lease be made to the husband & wife du- ring the coverture, & the husband dies, the land, & afterward they are divorced *causa Pracontractus*,

Auxy home poit estre de- vorce, *Causa impubertatis*, ou *Minoris etatis*, & en ceo case si deux sont espouse *in- fra annos nobiles*, & apres le pleine age devorce soit prise in- ter eux, ceo dissolve l'espousals, & le fem poit suer un assise vers le baron, pur terres ou tenements done oue luy en Frank-marriage, 19. lib. Affis. Pla. 2. Il sint de- vorce poit estre, *Causa professio- nis*, *Causa consanguinitatis*, *Causa fornicationis*, & pur plusors autres meistres que seroit pluis tedious destre jammes recite.

Et covient que en le sentence de Devorce le cause de ceo soit monstre, pur ceo que ascun De- vorce dissolve le Matrimonie, cest adire, A vinculo Matrimo- nii, bastard l'issue, & barre le feme de dower: & descun A mensu & thoro, le quel ne dissolve le Matrimonie, ne barre le feme de dower, ne bas- tarde le issue.

Et est destre observe, que devorce est judgmt Spiritual, & pur ceo, sil soit cause, covient estre reverse en le Spiritual Court. Veies Coke lib. 7. *Ken- nys case*.

Si feme Copholder de cer- teine fre Durante viduitate sua, selonq le custome del Mannor, emblea le fre, & devaunt le se- verance des embleaments prist baron, ore le Seignieur avera l'Embleaments, & nemy le ba- ron: Mes si Lease soit fait al baron & feme, durant le co- verture, & le baron emblea le terre, & puis ils sont divorce *causa Pracontractus*, le baron avera

The Exposition of

avéra les Embleaments & nemy
le Lessor.

De son tort demesne.

DE son tort demesne, semble
destre certaine parols de
forme en un action de Trespasse,
use per voy de reply al Plee del
Defendaunt : Come si A. fust B.
en un Action de Trespasse, B.
respondue pur luy mesme, que
il ad ceo fait que A. appel Tres-
passe, per le commaundement
de C. son Maister ; A. dit arere
que B. ad ceo fait de son tort de-
mesne, sauns ceo q C. luy com-
manda modo & forma, &c.

Detinue.

Detinee est un Briefe que
gist vers luy que ayant bi-
ens & chattels deliver a luy de
garder, refusa de restorer eux
arere. Vide de ceo, F. N. B. 138.

Dieu son act.

Dieu son act, ceux sont pa-
rols plusieurs foirs use en
nostre Ley, & la est un Ma-
xime, Que le Act de Dieu serra
preiudice a nulluy : Et pur ceo
si Meason eschiust per tempest
ou auter Act de Dieu, le Lessor
pur vie ou Lessor pur ans non
solement serra quit en Action
de Waste port vers luy ; Mes ad
per le Ley un special interest a
prendre le Merisme pur edifier
le Meason arere fil voit pur son
habitation, Coke, lib. 4. 63. &
lib. 11. 82. a.

En mesme le manner, quauant
le Condition dun Obligation
estoit sur deux parts en le Dis-
junctive, & ambideux sont pos-
sible al temps del obligation
fait, & puis l'un de eux deveigne
impossible per Lact de Dieu,

the husband shall have the
bleamings, and not the
De son tort demesne.

DE son tort demesne, se-
to bee certain forme in an action of
used by way of reply is
of the Defendant: As if
eth B. in an action of
and B. answereth for
that he did this which A.
Trespasse, by the commandment
C. his Master, A. saith
B. did this of his own
without that that C. com-
him in such manner and
Detinue.

Detinue.

Detinee is a writ that
gainst him, who having
and chattels delivered
to keepe, refuseth to deliver
again. See herof F. N. B.

Dieu son act.

Dieu son act, these are
oftentimes used in our
and it is a Maxim, That
Act of God shall preiudice
man: And therefore if
falleth done by tempest,
ther act of God, the
liffe as Lessor for years
only be quit in an
Waste brought against him,
hard by the Law a special
rest to take timber to
house againe if he will
habitation, Coke lib. 4. 63.
11. 82. a.

In like manner, when the
tion of an Obligation
of two parts in the dis-
and both are possible at
of the Obligation made,
terwards one of them
impossible by the Act of

is not bound to performe the other part, for the condition shall be taken beneficially
Coke lib. 5. 32.

Diem clausit extremum.
Diem clausit extremum, is a writ, and it lyeth where the Tenant that holdeth in fee simple, dies without issue, then his wife shall have the dower, to enquire what estate he was seised in, and who is next heire, and of the certainty of the land, and of what value the land is, and of whom it is holden, the inquisition shall be returned to the Chancery which is commonly called, The Office, as to the death of that person.

There is another writ of *diem clausit extremum*, awarded by the Exchequer, after the death of an accountant or debtor, to levie the debt due to the Heire, Executor, Administrator, lands or goods.

Dicker.
Dicker is a word used in the Statute of 1. Jacobi cap. 22. & signifies the quantity of hides of Leather. And it seems to come from the Greek and Latin word *Decas*, which signifies a number.

Dies Datus.
Dies datus is a respite given to the Tenant or Defendant by the Court. Brooke Tit. Continuance.

Dignitie Ecclesiasticall.
Dignitie Ecclesiasticall is a word of speech used in the Statute of 26. H. 8. cap. 3. and by Canonists is defined to be

le Obligor nest tenuis a performer l'autre part, car le condition serra prise beneficialment pur luy, *Coke lib. 5. 32.*

Diem clausit extremum.
Diem clausit extremum, est un Briefe, & gist lou Tenant le Roy, que tient en Chiefe mortuorust, donque cest Briefe serra direct al Escheator d'enquiere de quel estate il fust seise, & que est prochain heire, & de quel age, & de la certaintie del terre, & de quel value le terre est, & de que ceo est tenuis, & cel inquisition serra retourne en le Chancerie, & est communement appel, Le Office, apres le mort del tiel person.

Et est autre Briefe de *Diem clausit extremum*, agard hors del Exchequer apres mort del un accomptant ou debtor al Roy, a levier le debt de son Heire, Executor, Administrators, terres ou biens.

Dicker.
Dicker est un parol use en l'Estatute 1. Jacobi cap. 22. & signifie le quantite des dize hides de Cuir. Et semble de venir del Greeke & latine parol *Decas*, que signifie dize en nombre.

Dies datus.
Dies datus est un respite done al Tenant ou Defendaunt devant le Court, Brooke Tit. Continuance.

Dignitie Ecclesiasticall.
Dignitie Ecclesiasticall est un phrase de parlance use en le stat. de 26. H. 8. cap. 3. & per les Canonists est d'fine d' *Administratio*

ministratio cum iurisdictione & potestate aliqua conjuncta.

Diocesse;

Diocesse est le circuit d'Jurisdiction d'chescun Evesque, car cest royaume ad deux sorts de divisions, l'un en shires ou counties, & respect d' temporal policie, laus é diocesses, & respect d' jurisdiction Ecclesiastical.

Dieta rationabilis.

Dieta rationabilis est ascun foies use pur le reasonable journey d'un jour, &c. *Br. lib. 3. part. 2. cap. 16.* Il ad en le Civile Ley auters interpretations q ne besoigne destre cy insert. Veies *Vocabul. utriusque juris.*

Disabilitie.

Disabilitie est quant home per ascun chose ou act, per luy mesme ou son ancestor fayt ou commit, ou pur ou per ascun autre cause est disable ou fait incapable a faire, de inheriter ou de prendre benefice ou advantage d'un chose q auterment il puit aver done ou fait.

Et pur ceo la sont plusors choses p queux home poyt estre disable, & ceux sont communement, ou p l'act del partie, ou son ancestor, ou p l'act del Ley, ou p l'act de Dieu.

Disabilitie per act del ancestor del partie, come si hoe soyt attaind de treason ou felonie, p cest attainder son sangue est corrupt, & per ceo luy mesme & ses issues fayt incapable & disable d'inheriter.

Disability per l'act del partie mesme, come si home fait feoffment al autre home que a donq est sole, sur condition, que il

Administration conjoyned power and jurisdiction.

Diocesse;

Diocesse is the circuit of jurisdiction of every Bishop, this realme hath two divisions, the one in shires & counties, in respect of the temporarie, the other in diocesses, in respect of the Ecclesiastical jurisdiction.

Dieta rationabilis.

Dieta rationabilis is so much used for a reasonable journey, as *Br. lib. 3. part. 2. cap. 16.* It hath in the Civile Law divers significations which need not bee here mentioned. See *utriusque juris.*

Disabilitie.

Disabilitie is when a man is disabled by any act or thing, by himselfe or his ancestor done or committed, or for or by any cause is disabled or made incapable to doe, to inherit, or take benefice or advantage of any thing, which otherwise he might have had or done.

And for this there are divers things by which a man may be disabled, and these are either by the act of the party, his ancestor, or by the act of the Law or by the act of God.

Disability by the act of the ancestor of the party, as if he be attaind of treason or felony, by this attainder his blood is corrupted, and thereby himselfe and his children are made incapable, and disabled to inherit.

Disability by the act of the party himselfe, as if a man maketh a feoffment to another that then is sole, upon condition

shall infeoffe a third man
and before M. or the
made, the feoffee taketh
what by that disabled
to performe the condi-
tion to the trust in him
and therefore the feoffor
and out him, as it is
Sect. 357. So if the feoffee
the land, or enters into
Staple, or Statute
by these acts he hath
himselfe, and therefore the
may enter as in the former
if I binde my selfe, that
remainder of a lease I will
a new estate to the Lessee, &
wards I grant ober my re-
in this case although that
repurchase, & get the
reversion to me againe, yet
limited my obligatiō, be-
I was once disabled to
Co. li. 5. f. 21. Also if a
excommunicated, he cannot
that time sue any action,
thereby disabled, Co. lib.
So in many other cases.
by act of Law is
when a man by the
of the Law, without any
thing by him done, is
and so is Alien bozne.
therefore if a man bozne
the liegeance of our Lord
King, will sue any action
personal, the Tenant
may say, that hee
in such a country which
is the Kings liegeance, &
independent if hee shall be
by the Law is our
to which an Alien is
a stranger, & therefore
take any benefit thereby.

enfeoffer un tierce home de-
vaunt M. & devaunt M. ou le
feoffement fait, le feoffes prist
femme, il ad p ceo luy disable d
pformer le condition accordant
al trust en luy repose, & pur ceo
le feoffor poyt ent & luy ousta,
come est *Listh. Sect. 357.* Issint si
le feoffee charge le terre, ou en-
ter en un Statute Staple, ou Sta-
ture Merchant, p ceux acts il ad
luy m disable, & le feoffor pur
ceo poyt enter, come en le prim
case. Issint si Ieo moy oblige, q
sur surrender d'un Lease Ieo
voyle sayre un novel estate al
Lessee, & puis Ieo granta ouster
mon reversion, en ceo case, comt
que Ieo enapres ceo repurchase,
& acquit tout le reversiō a moy
arere, uncof Ieo ayē forseit mon
obligation p ceo que Ieo fuy un
foits disable d ceo performer,
Coke lib. 5. fol 21. Auxy si home
soyt excommenge, il ne poit
durant ceo tēps fuer asc' action,
mes lē p ceo disable, *Co. l. 8 f. 69*
& issint en plusors auters cases.

Disabilitie per act del Ley est
pluis properit qu'aunt home p
le sole act d'l Ley, sauns asc' ori-
ginal ou primr chose p luy fayt,
est disable, & issint est Alien
nec. Et pur ceo, si home nec hors
de la liegeāce de nōstr Seignior
le Roy, voile fuer ascun action
real ou personal, le Tenant ou
Defendant poit dire, q il fuit
nec en tiel pais que est hors d' la
liegeance le Roy, & demand
judgement sil serra respondue,
car le Ley est nre birthright, a q
un alien est collaterall & e-
strange, & pur ceo disable p p-
der aucun benefit per ceo.

Per

Per le aēt de Dieu, cōe destre
Non compos mentis est un disa-
 bilitie en ascun cases, & en ascū
 nemy, pur que semble, que cest
 difference poit este prise, que en
 tous cases ou home de *Non*
compos mentis done ou passe
 ascun chose ou estare hors de
 luy, la ceo poit apres son mort
 estre anient & fayt voyd, mes ou
 hōe de *Non sane memoria* fayt
 un chose, p que riens pas hors d
 luy, la il poit en ascuns especial
 cases estre lye : come si home d
Non sane memoria soyt lessiee
 pur ans, rendant rent, & le lessor
 graunta le reversion, ore le lessiee
Non compos mentis ne poyt
 fayre Attournement, car cestuy
 que est *amens*, ou sauns ment, ne
 poyt fayre Attournemēt que est
 agreement, & uncoī en tiel case
 si le lessor eieēt luy, & fait
 feoffment, & puis le lessiee de
Non sane memoria re-enter,
 cest aēt de re-entrie subiect
 luy mesme al distresse & action
 de Waste.

Et est destre observe, que il est
 un maxime en la Ley, que hōe
 de plein age ne unques serra re-
 ceive a disabler son person de-
 mesne. Et cest disabilitie a disa-
 blier luy mesm, quauht al ascuns
 persons est personall, & extend
 solemt al partie mesme, & qnt al
 auēs, nest psonal, mes lyera eux
 auxy. Et quante ceo, saches q
 sont quater manniē de privi-
 ties, ff. privies en sank, come
 heire, privies en representation,
 come Executors ou Admini-
 strators; privies en estate, come
 donee en tayle, le reversion ou
 remainder en fee, &c. & privies

By the act of God, as
 be of whole memory is a
 lity in some cases, and
 not, for which it is
 this difference may be taken
 in all cases where a man
 whole memory giveth a
 any thing or estate out of
 there this after his death
 disannulled and aboished
 a man of non sanz memory
 a thing, whereby nothing
 out of him, there he may
 especiall cases be bound: as
 man of whole memory
 see for years, rendering rent
 lessor graunteth the reversion
 the lessee of Non sanz memory
 cannot make Attournement
 that is amens, or without
 cannot make Attournement
 is agreement, & yet in
 the lessor ejects him, and
 a feoffment, and after
 lessee of Non sanz memory
 enters, this act of re-
 subiect him to the distres-
 sation of waste.

And it is to be observed,
 it is a maxime in Law, that
 man of full age shall not
 receivd to disable his own
 son. And this disability
 ble himselfe, as to some persons
 personall, and extendeth
 the party himselfe, and as to
 persons it is not personall
 shall binde them also. And
 this, know that there are
 manner of privities, as
 in blood, as heire; as
 representation, as Executors
 Administrators; as donee
 estate, as donee in tail, as
 God or remainder in fee.

in tenure, as Lord and
two of these that are
only, may disable the per-
son dead, which was of
his memorie, or, &c. and
his debts, grante, or
rights, and two of them not.
privies in blood may shew
disability of the ancestor, and
in representation, the
will of their testator or in-
testate neither public in estate,
nor in tenure can so doe,
lib. 4. fo. 123. 124. See Litt.
101. & Cok. lib. 8. fo. 43.

Disgrading.

Disgrading is when a man
is taken upon him a
temporall or spirituall.
honourable thing or other
is done, or otherwise, is
theretof deprived, be
Clerke, or other man.
If a Clerk be delivered
Ordinary, & cannot cleere
of the offence whereof he
is charged by the Jury, he shall
be degraded for it, which is no-
tall but the deprivation of
those orders he hath ta-
ken him, as Priesthood,
Deaconship, or otherwise, *Stamf.*
Pl. Co. fo. 130. 138.

In the manner there is disgra-
ding a knight, as is aforesaid,
Annal. pag. 685. Et est
the monthly of the observati-
on the common Law there
are kinds of disgradings, the
Ordinary. by word only, and
solemnly, by denesting
they are degraded from those
orders and rites which are
signes of his order or de-
gree. *4. E. 4. 19. 20.*

en tenure, come Seignior & Te-
nant: & deux de ceux que sont
privies solennr, poyent disabler
le pson d'l mort, q ne fuit *Com-*
positio mentis, ou, &c. & avoidera
les grants, faits, ou feoffments,
& deux nemy. Car privies en
sanke poient monstre le disa-
bilitie del ancestor, & privies
en representation, le infirmitie
d'lour testator ou intestate, mes
ne q privie en estate, ne q privie
en tenure ceo ferra, *Coke li 4. fol.*
123, 124. Veies Litt. Sect. 403.
& Coke lib. 8. fol. 43.

Disgrading.

Disgrading est quant un hom
aynt prise sur luy en dig-
nitie temporal ou ecclesiastical,
pur alcun honorable chose ou
auf meistre p luy fait, ou auter-
mt, est enafs d' ceo deprive, soit
il Chival, Clerk, ou auf home.
Pur que si un Clerk soit d'liver
a son Ordinarie, & ne poit ac-
quie luy mesme del pech d' que
il fuit convict p le Jurie, il ferra
pur ceo disgraded, que riens au-
ter est forsque le deprivation
de luy de ceux orders que il ad
sur luy prise, come Priesthood,
Deaconship, ou autermt, *Stamf.*
Pl. Co. fo. 130. 138.

Et en mesme le manner la est
disgrading un Chivaler, come
est avaunt dit. Veies *Stow An-*
nal. pag. 685. Et est deigne l' ob-
servati, que per le common
Ley la sont deux sortes de dis-
gradings, l' un summarie p pa-
rol seulement, & l'auter soleme,
per devestant le partie disgrade
de ceux ornements & rites que
sont les ensignes de son order
ou degrec. Veies *4. E. 4. 19. 20.*

Discent.

The Exposition of

Discent.

Discent est en deux sorts, ou lineal ou colateral: lineal discent est q^uit l' discent est convey en meisme le lyne d' entiere sanke, come ayel, pere, fits, fits del fits, & issint debassa.

Colateral discent est dehors en un auter branche de haut dentier sangue, come le frere del ayel, frere del pere, & issint debassa.

Nota, que si un devie seisie en fee, ou en taile, de fre en que auter ad droyt de enf, & ceo discend a son heire, tiel discent tollera l'entrie de cestuy que droyt avoyt d' enf, pur ceo que le heire ad ceux per le discent d' son pere, & issint vient a les tenements p' act de Ley, & cestuy que droit ad ne puit luy ouster per entrie sur luy, mes est mise de suer son brieve a demander le terre selonque le nature de son title. Veies de ceo, *Littleton lib. 3. cap. 6. & Stat. 32. Henrici octavi, cap. 33.*

Disclaimer.

Disclaimer est lou le Seignieur distreyn son tenant, & il sua replevin, le Seignieur pur avowa le prisel, per raison que il tient de luy, si le tenaunt dit, Que il disclaime de tener d' luy, cest appelle un disclaimer, & si le Seignieur sur ceo port Brieve de droit, sur disclaimer, & il soit trove encounter le tenant, il perdra le terre. Auxy si un port un *Præcipe* vers deux auters, pur terre, & le tenant disclaime, & dit, que il nest de ce tenant, ne claime rien en ceo, donques l'auter avera tout le

Discent.

Discent is in two sorts, lineall or colateral: lineall discent is when a discent is made in the same line of the blood, as grandfather, father, sons son, and so downward.

Colateral discent is in another branch of the blood, as brother of the whole blood, grandfather's brother, brother, and so downward.

Note, that if one die seised of land, in which another hath right to enter, and descendeth to his heire, the discent shall take away the right from him which hath right to enter, so that that the heire hath by discent from his father, so came unto those tenements by the doing of the Law, and he which hath right cannot put him entering upon him, but is bound to shew his right, to demand the land according to the nature of his title. See hereof in *Lit. li. 3. cap. 32. H. 8. c. 33.*

Disclaimer.

Disclaimer is where the lord distrains his tenant, and he sueth a replevin, and the lord dotheth the taking, by the return of the writ, if the tenant say, That he disclaimeeth to hold of him, this is called a Disclaimer. If the lord thereupon bring writ of right, sur disclaimer, and it be found against the tenant, he shall lose his land. Also if one bring a *Præcipe* against two others to the land, & the tenant disclaime, saying, that he is not thereof, neither claimeeth any thing therein, then the other shall have the

if the *Præcipe* be brought
and alone, & he disclaime
the writ shall a-
gainst the Demandant may
reuerland, and hold it in
estate, although his
was not lawfull.

After that the tenant in
action brought against him disclai-
me, he shall not have a writ of
against his own disclaimer,
that by his disclaimer he
barred himselfe of the right
land, for the words of the
of the tenant are, He
neither claimeth he to
in the land, neither at the day
of the original writ
had or claimed, but
in the same land to have
disseised and disclaime; and
this he shall not have re-
by a writ of error. See
lib. 1. fol. 62.

If a Lord in case where
he disclaime, disclaime in
Seigniorie in Court of Re-
cord, his Seigniorie by this is
extinct, and the Tenant shall
of the Lord next above
that so disclaimed. Littleton
lib. 1. fol. 146.

lands he given to the hus-
band and wife in tale or in fee,
the husband dieth, the wife
shall have the freehold out of
by any verbal waiver or dis-
claimer in the country, as if he
made by her, then
the altogether waiveth
disclaime to the said estate,
shall never take nor accept
of the freehold remaineth
the may enter when she
shall. See charter of freest-

terre. Mes si le *Præcipe* soynt
enuers un sole, & il disclaime,
come ayaunt est dit, le briefe
abatera, & uncore le demaun-
dant poyt en en le ère, & ceo
tenor en son droytural estate,
coment son entrie ne fuit loyal.

Et apres que le tenant en un
action poit vers luy disclaime,
il navera Briefe de erreur en-
counter son disclaimer, pur
ceo que per son disclaimer il
ad barre luy mesme del droyt
del terre, car les parols del dis-
claimer del tenaunt sont, *Nihil*
habet nec habere clamat in
terra illa, nec die impetrationis
brevis originalis predicta, &c.
habuit sue clamauit, sed ali-
quid in terra illa habere de-
advocat & disclamat; & en-
counter ceo il navera restituti-
on per Briefe de error. Veies
Coke lib. 8. fol. 62.

Il sint si un Seignior, en case
ou il poit disclaime, disclaime en
son Seigniorie en Court de Re-
cord, son Seigniorie p ceo est
extinct, & le Tenaunt tiendra
del Seignior prochain para-
mount cestuy q il sint disclaime.
Littl. Sect. 146.

Si terres sont done al baron
& feme en taile ou en fee, & le
baron morust, la le feme ne
poit devest le Franke-tenement
hors de luy per aucun verbal
waiver ou disclaimer en pais,
come si devant aucun entrie
fait per luy, el dit, que el ou-
sterment waive & disclaime al
dit estate, & ne unques voyle
prendre ou accepter de ceo, un-
core, le Franketenement re-
maine en luy, & el poit enter

The Exposition of

quant a luy pleist. Ilint un charter de feoffment fuit fait a quater, & seisin fuit deliver a trois en nisme d' tous, & apres le seisin fuit deliver, le quater vignant viewe le fait, & dit per parol, que il voile aver riens del terre ne agreea al fait, eins disclama, & fuit adjudge que cest disclamer per parol en pais ne devestera le frank-tenement hors de luy, *Coke lib. 3. fol. 26.*

Discontinuance.

Discontinuance est quant un home alien a un auter terres ou tenements, & morust, & fin auter ad droit a mesme le terres, & ne puit enter en eux per cause de cel alienation, si come un Abbot alien les terres de son meason a un auter en fee, ou en fee taile, ou pur terme de vie, ou si un home alien les fres que il ad en droit sa feme, ou si tenant en taile fait d' les terres done a luy & a ses heires de son corps, aucun feoffment, don en taile, ou leas pur vie, ni-ent garrant per Statute 3 *H. 8.* per line ou liverie d' seisin, donq tiels alienations sont appels Discontinuanee, car tiels estates passent tous faits per liverie & seisin, & en ceux cases les successeurs la Labbe, ne la feme apres le mort sa baron, ne l' illue en le taile, apres le mort le tenant en le taile, ne ceux en remainder ou reversion puis le fine del estate taile ne poient entre, mes chescun d' eux est mise a son action.

Et si come la est continuance d' possession come est dit avant,

neist soun made to feoff, seisin soun delivered to the name of all, and the seisin was delivered, the committing both the deed, and by word that he will have the land, nor upon the deed, but disclamer, it was adjudged, that the claimer by word in the court shall not defeat the feoffee of him, *Coke lib. 3. fol. 26.*

Discontinuance.

Discontinuance is when a man alieneth to another other tenements, and death, and other hath right to the lands, and may not enter them, because of his alienation, as if an Abbot alien the lands of his house to another in fee, or in fee taile, or for life, or if a man alien the lands that he hath in the right of his wife, or if tenant in taile alien the lands given to him, and heires of his body, any feoffment in taile, or lease for life, warranted by the Statute, by fine or livery of seisin, these alienations be called Discontinuanee, for such estates pass away by livery and seisin, and in these cases the successors of the Abbot, or the woman after the death of her husband, or the tenant in taile after the death of the tenant in taile, nor they that have any remainder or reversion at the end of the estate taile may not enter, but every of them is put to his action.

And as there is discontinuance of possession, as is before, so also there is discontinuance of possession, as is before.

de processe ou plee, and this
the instant is lost and
is taken againe, but
must begin the suit
to bee discontinued,
without day is all
nothing else but finally
the Court of that
West. Part 2. cit. Fines,
Crompton in his Ju-
fol. 131. where it is these
If a Justice be dis-
continued by the non coming of
Justice, the King may renew
the suit.

If the Justices of any
Court be not met at the day
appointed, then the cause
is discontinued unto ano-
ther day, as is in Cok. lib. 1. fo. 38.
If a man hath an action in the
Court of the Marshalle, and the
Court hath been of the verge,
the cause shall bee discontinued,
Cok. lib. 1. fo. 73.

Item herof in Lit. li. 3. c. 11.
lic. 28. which taketh away
continuances by the husband
in right of his wife.

Tithes.

Tithes are the tenth parts of
anything, but properly of
things which doe increase,
for the most part doe be-
long to the Ministers of the Church
for maintenance, and they
are thus divided, to wit,
Ecclesiall Tithes, Personall
Tithes, and mixt Tithes. Pre-
diall Tithes are Tithes that be
of things that come of the
soyle, as Corn, Hay,
Wheat, and suchlike.

Personall Tithes are Tithes
of such profits as

de processe ou plee, & ceo est
quant l' instant est perde, &
ne poit estre prise arere, mes per
novel Brieve a comencer le suit
a novel, car destre discontinue
& destre mis sauns jour est tout
un, & nient auterment que de-
stre finalement dismis le Court
de cel instant. West. part. 2. tit.
Fines sect. 115. Item Crompton
en son Jurisdiction, fol. 131. ceo
use Eceux parolx. Si un Justice
sear soit discontinue p le nient
vener des Justices, le Roy poit c'
renuer per son Brieve.

Auxy si les Justices de alcun
Court, ne viendront al jour &
lieu appoint, donque le cause
serra discontinue tanque al au-
jour, come est en Cok. lib. 1.
fo. 38. Item si home ad un acti-
on en le Court del Marshallie,
& le Roy remove hors del
Vierge, les pleas seront dis-
continue, Cok. lib. 1. fo. 73.

Veies plus de ceo en Little-
lib. 3. ca. 11. & 32. H. 8. ca. 28. que
tolle discontinuances p baron
seise en droit son feme.

Dismes.

Dismes sont les Disme parts
de alcun chose, mes proper-
ment de ceux choses que en-
crease, queux pur le plus part
preigne al ministers Desglise
pur leur maintenace, & ils sont
deuides en 3. sorts, noisement,
Predial dismes, Personel disms,
& mixt dismes. Predial dismes
sont dismes que sont paid de
choses queux vient de le terre
solemet, coe blees, seine, frutes
del arbres, & tiels semblables.

Personall dismes sont les dis-
mes q sont paies de tiels profits

que veign p le labor & industry del person d'un hōe, com p emption, & venditiō, gain d' merchādisē, & d' manuel, crafts Homes, Laborers, & tiels que labor pur salary, cōe Carpenters, Masōns, & tiels semblables.

Mixt dismes sont les dismes d' Vitels, Agnes, Porcells, & tiels semblables, q' encrease partmēt del fre, sur q' ils sont d' pasture, & partmēt del garding, industrie, & diligence del owner.

Disparagement.

Disparagement est un hōe, disgrace, ou villaniē fait per le Gardeine en Chivalrie, a son garde en Chivalrie, esteant deins age per reason de son mariage.

Cōe quant le Gardeine marrie son Warde deins age de xiv. ans, & deins tiel temps que il ne poit consent al mariage, al un niese, ou al file d' un que demurt en un Borough (que est destē entend tiels que peres, p-fesse mamecrafts, & tiels baler arts de emption & vendition pur gaine lour viver per ceo) ou al un que ad forsque un pee, ou un maine, ou est decrepit, ou deforme, ou aiant horrible dis-ease, come le Leprosie, les pocks de Franks, Falling sicknesse, ou tiels semblables, ou marrie luy a un fēme que est passe l' age d' infanter, & divers tiels auers, donques sur le complainte per les aimes de tiel heire, Seignieur ou Gardein per-de-le Gardship, & los pfts du-le nonage de le heire, pur-vont fait a luy. Veies *List.*

cap. 4.

come by the labour and industry of a mans person, as by selling, gaignes of Merchandises, and of Handicrafts men, laborers, and such as worke as Carpenters, Masōns, such like.

Mixt tythes are tythes Calves, Lambes, Pigs, and such like, that increase partly of ground that they be fed upon, partly of the keeping, and diligence of the owner.

Disparagement.

Disparagement is a shame, disgrace, or villany done to the Gardeine in Chivalrie, to his Ward in Chivalrie, within age by reason of his marriage.

As when the Gardeine marrie his Ward within fourtene yeres, and at such tyme as hee cannot consent to marriage, to a bondswoman, or to the daughter of one that dwelt in a Borough (which be understood such which thers professe Handicrafts, or those baser arts of buying and selling to get their living by) or one that hath but one foot, or one hand, or is lame, or deformed, or hath some horrible disease, as Leprosie, frenchpocks, falling sicknesse, or such like, or marries him to a woman that is child-bearing, and when other, then upon the complaint made by the friends of such the Lord or Gardeine shall have the Wardship, and the profit of the nonage of the child, the shame done unto him. *List. lib. 2. cap. 4.*

Disseisin.

Disseisin is when a man enters into any lands or tenements, where his entry is not lawful, and putteth him out that hath the right.

Disseisin upon Disseisin.

Disseisin upon disseisin, is when a Disseisor is disseised by another.

Disseisor and Disseisee.

Disseisor is, he which putteth another out of his land without the Law.

The King cannot be said to be a Disseisor, and with this is agreed 1. E. 5. f. 8. that it was said the King could not be disseised for that did wrong, for if he disseised another to the use of himself where the King hath the right, the King cannot be said to be a Disseisor.

Disseisee is he that is so put out of his land, and if such Disseisee take a fine of the land, and he is disseised to a stranger, the Disseisor shall keep the land ever, for the Disseisee and his own fine cannot claim, the Conuisee cannot enter, the right which the Disseisee hath is extinct by the fine, and the Disseisor shall take the land, and so was the opinion, *Co. li. 2. f. 56.*

Disceit.

Disceit is a writ, and it is either original and some-what special, but when it is original, it is such where any Disceit is made to a man by another, so that he hath not sufficiently performed his bargain, or not per-

Disseisin.

Disseisin est quant un home enter en alcun terres ou tenements, lou son entrie nest pas congeable, & ousta celuy que ad le frank-tenement.

Disseisin sur Disseisin.

Disseisin sur Disseisin, est quant disseisour est disseise pur un auter.

Disseisor & Disseisee.

Disseisor est celuy que mist alcun home hors de son terre sans order le Ley.

Mes le Roy ne serra dit dissestre un Disseisor, & oue cep est un note en 1. E. 5. f. 8. que fuit tenuus que le Roy ne poit estre dit un que fist tort, car si un voet disseise un auter al oeps le Roy lou le Roy nad droit, le Roy ne poit estre dit disseisor.

Disseisee est cestuy que est mist hors de son terre, & si tiel Disseisee levie fine del terre, de que il est disseise al un estranger, le Disseisor reteinera le fre a tous jours, car le Disseisee enconfe son fine demesne ne poit claime, & le Conusee ne poit enter, car le droit que le Disseisee ad fuit extinct per le fine, dont le Disseisor prendra advantage : & insint fuit l'opinion, *Co. li. 2. f. 56.*

Disceit.

Disceit est un Briefe, & est alcun foits original, & alcun foits judical, mes quant il est original, gist lou alcun Disceit est fait a alcun home per un auter, insint que il nad suffisamment performe son bargain, ou

The Exposition of

nient perſorme ſon promiſe, donq̄s celuy q̄ eſt en tiel maner diſceiue a vera eſt Briefe.

Auxy quauant ceſt Briefe, eſt judicial, il giſt ou *Scire Facias* eſt ſue hors de aſcun recorde vers un, & le Viſcount retourne que il eſt garnie, ou il ne fuit garnie, ou lou un *Præcipe quid redda*, de plee de terres, ou *Quare impedit*, del preſentment al Eſgliſe eſt ſue vers un, & le Viſcount retourne que le Defendant eſt ſummon, lou il ne fuit ſummon, per quel diſceit & faux retourne le Demandaunt ou Plaintiſe recouer, donques le partie greeve a vera ceſt Briefe vers luy que recouera, & vers les ſummoners, & vers le Viſcount, & donques le Briefe ſerra dire al Coroners de meſme le Countie, ſi il continue Viſcount que fiſt le retourne.

Iſſint ſi home fait Attorney en un action real port vers luy, & puis eſt agree per covin perenter le Demandaunt & le dit Attorney, que l'Attorney ſaiera default q̄ iſſint fait accordant, p̄ q̄ le tenant perde ſon fre, donq̄ meſme le tenant que perda le fre poit aver un Briefe de Diſceit envers l'Attorney.

Auxy ſi home port action de Treſpaſſe vers deux autres, & le Plaintiſe & un Attorney per covin agree perenter eux, cauſaunt deux eſtrangers nient parties al Briefe a vener en le Court, & dire que ils ſount meſme les deux Defendants noſme en le Briefe, &

formed his promiſe, then is in ſuch manner deſceiue have this ſue.

Also when this judicial, it hath where a *Scire Facias* is uſed out of any record a man, and the Sheriffe ſaith, that he is warned was not warned, or *Præcipe quid redda*, of lands, or a Quare impedit preſenting to a Church againſt one, and the Defendant ſaith that the Defendant ſummoned, where he was ſummoned, by which the ſaith returns the Defendant Plaintiſe recoueth, the party grieved ſhall have ſue againſt him that recoueth againſt the ſummoners, or the Sheriffe, and ſhall be directed to the Court of the ſame County, if he will. Whereſoever that made the return.

So if a man making an action in an action real by gainſt him, and afterwards agreed by diſſent between the defendant and the ſaid Attorney, that the ſaid Attorney ſaith default, who both together whereby the tenant ſaith the land may have a Diſceit againſt the Attorney.

Also if a man bringing an action of Treſpaſſe againſt others, and the Plaintiſe Attorney by covin agreed between them cauſe two others not parties to the ſuit into the Court, and ſay that are the ſame two Defendants in the writ, and

the same man to be their
in that suit, where
some Attourney as De-
the Defendants named
pleadeth to the issue,
the issue to pass
by which meanes
recobereth: In this
that are indeed Defen-
may have a writ of Deceit
the same Attourney that
as Attourney for them,
shall recober their damna-
Nat. Bre. 96.

as the Law punisheth her
as Sergeants, Plea-
Philosers, Exigeters, At-
others, so the renounceth
anneth all acts of grea-
importance if they be inter-
with deceit and falshood, as
be letted by deceit,
peres past: Soe that
of 4. H. 7. cap. 24.
persons and their rights
be barred thereby, yet
it was by deceit, the
shall be aboiled, as is
in Cok. lib. 3. fol. 77. In
manner if one recober
Deceit, the recoberis for this
be frustrated and made
4. Ed. 3. 28. So if a woman
both good cause to be endow-
by deceit have the tenant
disseiled, & after recoberis her
writ of dower against
disseiler, yet she shall be ad-
in possession against the
as a disseileresse, in re-
of the deceit, Co. li. 5. fo. 35.

Distresse.

Distresse is the thing which is
taken and distrained upon
and for rent behinde, or other

ils designe mesme le home de-
stre leur Attourney en cel suit,
sur q mesme l' Attourney come
Attourney al Defendants nosm
en le Brieft pledont al issue, &
puis sufront l' enquest a passer
per son default, per quel meanes
le plaintife recover: En cest case
ceux que sont voyement De-
fendants, poyent auer un Brieft
de Deceit enus mesme l' Attor-
ney q appearuist come Attorney
par eux, & recuperont leur da-
mages, *Fitz. Nat. Bre. 96.*

Et sicome le Ley punie son
Officers, come Sergeants, Plea-
dours, Philosers, Exigeters, At-
tourneyes, & ausi, issint il reiect
& dampe tous acts del pluis
grand importance, s'ils sont en-
terlayle oue deceit & fauxity,
Come si un fine soit levie p de-
ceit, & cinque ans passe: Veies
de ceo per le Statute de 4. Henr.
sept. 14. 24. tous persons & leur
droys serrount per ceo barre,
uncore pur ceo q fait p deceit,
le fine serra avoyde, come est
adjudge en *Cok. lib. 3. fol. 77.*
En mesme le maner, si un re-
cover terre per Deceit, le reco-
verie p ceo serf anient & fait
void, 3. E. 3. 28. Issint si feme q
ad bon cause destf endow, voyle
p deceit auer le tenf destf dis-
seisie, & puis recoü sa dower p
Brieft d dower enuers le dissei-
sor, uncore il serra adjudge en
possession enuers le disseisee
forsq come un disseisoresse, en
respect d l descent, *Co. li. 5. f. 31.*

Distresse.

Distresse est le chose que est
prise & distreine sur ascun
fre pur rent arere, ou pur auter
dutie,

durie, ou pur torte fait, coment que le pro. pte de chose soyt per-
teygne al estraunge: mes si sont
avers q perteygne al estraunge,
il covient que ils sont levant &
couchant sur mesme l' fre, cest
adir, que les avers avoient este
sur le fre p certain space, q ils
ont eux bien repose sur la fre,
ou aulement ils ne sont distrein-
able pur rent ou service.

Et si un distreyne pur rent
ou auter chose, sauns cause
loyall, donques le partie grieve
avera un replevin, & sur suretie
trove de pursuer son action, a-
vera le distresse a luy redeliver.
Mes sont diús choses q ne sont
distreinable, viz. roabe de auter
home en le meason de un Tay-
lour, ou drape en le meason de
un Fuller, Sheereman, ou Wea-
ver, p ceo q ils sont common
Artificers; & que le common
presumption est, que tiels choses
ne sont perteygnount al Artifi-
cer, mes al auters persons que
eux mittont la a overier.

Auxy viand nest passe di-
streinable, ne blees é sheves, si-
non q ils sont en un chariot, p
ceo que distresse covient este
touts soyts de tiel chose d ont le
Viscount poet faire replevin, &
redeliver en auxy bon case q il
suint al temps del prisel

Auxy home poit distreyne pur
homage de son Tenaunt, pur
fealtie & escuage, & auter ser-
vices, & pur fines & amercia-
ments q sont asselle en un Leet,
mes nēy é un Court Baron: &
auxy pur damage feasant, cest a-
cavoir, quā il troue les beafts
ou biens d's auls feasant tort ou

durie, or for hurt done, al-
the property of the thing
eth to a stranger: but it
beafts that belong to a
behodeth that they were
couchant upon the same
that is to say, that the bea-
bin upon the ground a certain
that they have themselves
rested there, or else they be
streinable for rent or service.

And if one distreyne in
or other thing without cause
full, then the party grieved
have a replevin, and upon
soundes pursue his action,
habe the distresse to him
red againe. But there be
things that be not distrein-
viz. another mans gowne in
house of a Tailor, or clothe
house of a Fuller, Sheer-
weaver, for that they be com-
Artificers, and that the com-
presumption is, that such
belong not to the Artificers,
to other persons which put
there to be wrought.

Also viatell is not distrein-
nor count in sheaves, but it
be in a cart, for that the
distresse ought to be alwayes
things whereof the Sherif
make replevin, and deliver
in as good case as it was at
time of the taking.

A man may distreyne in
mage of his Tenant, for
and escuage, and other ser-
and for fines and amercia-
which be asselled in a Leet,
not in a Court Baron: and
for damage feasant, that is
say, when he findeth the
or goods of any other doing

...his ground. But
...not distreine for any
...ing his for any land, but
...some land that is char-
...with: But in case where
...distreine, and the other
...purpose, chaſeth the
...beareth the thing out,
...ent that I shall not take
...distresse upon the ground,
...I may well pursue, and if I
...presently in the Highway,
...others ground, the taking
...as well there, as upon
...charged, to whomsoever
...of the goods be.

...for fines and amercia-
...which be assessed in a Leet.
...away take the goods of
...is so amerced, in whose
...ether they be within the
...of the Court, as it

...when one hath taken a
...it behooveth him to bring
...common Pound, or else
...kape it in an open place,
...he give notice to the par-
...he (if the distresse be a
...beast) may give to it food,
...if the beast die for default
...that was distreined
...at the lode, and then the
...may distreine againe for
...rent or duties. But if he
...the distresse to a hold, or one
...County, that the Sheriffe
...make deliverance upon
...then the party upon
...of the Sheriffe shall
...of Withernam dire-
...the Sheriffe, that he take
...of his beasts, or as
...goods of the other in his ke-
...if he hath made deliverance

incumbrant son fre. Mes home
ne poit distreyne pur ascun rent,
ou chose due pur ascun terre,
mes sur mesme le terre que est
charge ovesq; c': Mes e case lon
Jeo veygne a distreyner, & l'aue
veyant mon purpose chasc les
beasts, ou port le chose dehors,
al entent q' Jeo ne prendra ceo
p' un distresse sur le terre, donq's
Jeo poy bien pursue, & si Jeo
prise ceo maintenant en le hault
chimin, ou en auter soile, le
prisel est loyal, auxy bñ la come
sur la terre charge, a qcunq; la
properties des bñs sont.

Auxy pur fines & amercia-
ment que sont assesse en un
Leet, un poyt tous soyts pren-
der les biens celui que est issint
amerce, en quecunque soile que
ils sont deins le jurisdiction del
Court, ut dicitur.

Et quaut un ad prise un di-
stresse al covient luy d'amesner
ceo al common Pound, ou au-
terment il poyt garder en overt
luy, issint que il done notice al
partie, que il (si le distresse soit
viue avers) poit doner a luy vi-
and, & donques si l'avers mo-
rust pur default de viand, celui
q' fuit distreyne serra a le pard,
& donques l'aue poyt distreyne
auter soyts pur mesme le rent
ou durie. Mes si amesna le Di-
stresse a un fortlet, ou hors del
Countie, q' le Viscount ne poyt
bien fair deliverance sur reple-
vin, donques le partie sur le re-
turne del Viscount, avera un
Brieſe d'withernam, direct al
Viscount, que il prendra tant de
ses avers, ou tant des biens l'au-
ter en son garde, tanq; il ad fait
deliverance

deliverance de le prim Distresse.
Auxy si font en un fortlet ou ca-
stle, le Viscount poyt prendre
oue luy le power del Countie, &
abater le castle, come appiert p
le Statute de *Westmon. l. cap. 17.*
Ideo vide Statutum.

Distressus.

Distressus est alcun foys use
pur le circuit ou territoire,
deins quel hōe poyt tielmt estre
compel d'appearer, *Brit. c. 120.*
& ilint auxy est *Distressio* en
le *Regist. Orig. fol. 6. b.* Distress
en le prim signification est divi
primermt en finite & infinie, fi-
nite est ceo que est limit p Ley,
que tost il terra fait a traher le
partie al trial del action, come
un foys ou deux foys, *Veiel*
N.B. fol. 43. Distress infinite est
sans limitation tanque le partie
vient, cōe vers un Jurie q refuse
d'appearer sur le certificate d
assise, le proces est un *Venire fa-
cias, habere corpora*, & distresse
infinite, *Veiel N.B. fol. 113.*

Donque il est divide en le
grand distresse, come *Ass. 52.*
H. 3. cap. 7. que *Fitzh.* appel en
Latine, *Magnam districtionem*,
Nat. Bre. 126. A. & un ordinarie
distress. Un graund distresse est
ceo que est faye de tous les bi-
ens & charrels que le partie ad
deins de Countie, *Brit. c. 6. fol. 2.*
mes quare ou il ne soit alcun
foys tout un oue un distress in-
finite, *idem fol. 80.* oue q auxy le
statute d *Marlebridge* semble d
agreer, *an. 52. H. 3. c. 7. 9. & 12.*
Yeies le *Veiel N.B. fol. 71. b.*

Distringas.

Distringas est un Briefe di-
rect al Viscount ou alcun

of the first distresse. For
they be in a finite or cap-
tivitye may take into
power of the County, and
downe the Castle, as
by the Statute of *Westmon.*
Therefore looke the Statute
Districtus.

Districtus is sometimes
the circuit or territory
which a man may be sum-
med to appeare, *Brit. cap. 120.*
also is *Districtio* in the *Reg.*
fol. 6. b. Distress in the
signification is divided into
finite and infinite. finite is that
is limited by Law, but
shall be made to bring the
to tryall of the action, as
twice, *Old Nat. Bre. fol.*
distress infinite is without
limitation until the party come
against a Jurie that refuse
to appeare upon certificate of
the proces is a *Venire facias*
beas corpora and distresse
Old N.B. fol. 113.

Then it is divided into
grand distresse, as *an. 52. H.*
which *Fitzh.* calleth in
Magnam districtionem, *Nat.*
and an ordinarie distress.
grand distresse is that
made of all the goods and
which the partie hath in
County, *Brit. cap. 6. fol.*
in whether it be not
all one with distresse
idem fol. 80. with whom
Statute of *Marlebridge*
to agre, *an. 52. H. 3. c. 7. 9.*
See the *Old N.B. fol. 71. b.*

Distringas.

Distringas is a writ directed
the Sheriff or any

auter officer, luy commandant a distreyner un p un deit al Roy, &c. ou pur son apparancee al un jour. Veies le graund diverfune d cest Briefe en le table del Register judicial, verbo Distringas.

Dividend.

Dividend est un parol use en le Statute de Roteland, An. 10. Edw. 1. ou est provide, que les Chamberlaines del Elchequer ne poient faire al Viscounts ou ascun de lour Baylifes, Dividends, si non ils primerment receive d eux particuliers, en aux particuliers il voile auer trel Dividends seü, &c. Veies Ann. 18. e just. Stat. 3. cap. 2.

Docket.

Docket est un petit quantite d paper ou pchment eserie, que contein en luy l effect de plus grand escript. Veies l'estar. de 2. & 3. P. & M. c. 6. M. west. part. 2. tit. Fines, Sect. 106. appelle ceo Dogget.

Dogge-draw.

Dogge-draw est un manifest deprehenfion d'un offendor enuers Venifon en le Forest: la sont quater sortes de ceux note per M. Manwood, part. 2. cap. 18. num. 9. de les Forrest Leyes, cestascavoire, Dogge-draw, Stable-stand, Back-beare, & Bloudy-hand. Dogge-draw est qnt un est troue trahat apres un dame, p le sent d'un Brache que il tient en son maine.

Dogger.

Dogger est un sort de Niese, Anno 31. Edw. 3. Stat. 3. cap. 1. Doggerfish, ibid. c. 2. semble destre pifions part en ceux Niefes al Blackney Haven, &c. Dog-

commanding him to distreyner un p un deit al Roy, &c. ou pur son apparancee al un jour. Veies le graund diverfune d cest Briefe en le table del Register judicial, verbo Distringas.

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Doggermen, An. 2. H. 8. cap. 4.

Domo reparanda.

DOmo reparanda est un Briefe, & gift pur un enuers son vicine, per le chier de quel meason il suppose ascun leid voile happer a son meason de mesme, *Reg. Orig. fol. 123.*

Dole-fish.

DOle-fish semble destre ceux pissons que les fischer homes annualment employ en le North mere, de custome receivont pur leur allowance. Veies le Statut, *An. 35. H. 8. cap. 7.*

Donative.

Donative est un Benefice merement done & collate per le Patron a un home sans ou presentation al Ordinarie, ou institution per le Ordinarie, ou induction per son commandeement, *F. N. B. 35. c. Veies le Statute de 8. R. 2. cap. 4. Peter Gregor. de Benefic. c. 11. num. 1. ad ceux parols: Si tamen Cappella fundata. per Laicos non fuerint à Diocesano approbata, & ut loquuntur, spiritualizata, non censentur Beneficia, nec ab Episcopo conferri possunt, sed sunt sub pia dispositione fundatoris.* Pur que les founders & leur heires poient doner tiels Chappels s'ils voilont, sans l' Eveque.

Monsieur Gwyn en le Preface a ses Lectures dit, Que le Roy puit à veiel temps founder un frank Chappel, & ceo exempter del jurisdiction d'el Diocesan: Issint auxy il puit p ses Letters Patents doner congee a un common person de founder tiel Chappel, & de ordeigner, q

Doggermen, An. 2. H. 8.

Domo reparanda.

DOmo reparanda is and lyeth for his neighbour, by the whole house he searcheth will be to his owne house. *Orig. fol. 153.*

Dole-fish.

DOle-fish seemeth to be fishes which the yearly employed in the seas, doe of custome receiveth their allowance. *Statute, Ann. 35. H. 8. cap. 7.*

Donative.

Donative is a Benefice given and collated by the patron to a man, without presentation to the Ordinary, or institution by his Ordinary, or induction by his commandment. *N. B. 35. c. So the Statute 8. R. 2. cap. 4. Peter Gregor. Benefic. cap. 11. num. 1. these words: But if founded by lay men were approved of by the Diocesan, as they term it, spiritualized, they are not accounted Beneficia, neither can they be confirmed by the Bishop, but remain to the sole disposition of the founder. Wherefore the founders or their heirs may give such Chappels they will without the Bishop.*

Mons. Gwyn in the Preface to his Readings saith, That the King might of ancient times found a free Chappell, and exempt it from the jurisdiction of the Diocesan: So also he may by Letters Patents give licence to a common person to found a Chappell, and to ordain

Donative, and not presentable, and that the Chapleine is not presentable by the founder, and not by the Bishop, and this seemeth to be the point of Donatives in England, *saith, fol. 33. c.* That some have Chauntries which may give by his Letters Patent.

And all Bishopps were of the foundation of the Kings, and therefore in the time they were Donative, and given by the Kings, yet the Bishopps are bound by the grants of the Kings, eligible by their Chapter, *saith, fol. 76.*

Doomes day.
Doomes day is a Booke that was written in the time of Edward the Confessor, as it is in N.B. fol. 15. and before in the time of Ancient Demefne, containing in it not onely all the names of those in whose names they were at that time the Booke was made: M. Lambeth, That this booke was made in the time of William the Conquerour, with whom Camden in his Britan. pa. 94. is touching it out of Ingle, that flourished the same time, touching the contents of both these wordes: It describes the whole land; neither was there one Hide in all England, whose value and possessor was unknowne, neither any poole or place not described in the Domesday Roll, and the rent, profits, and possession in selfe and possessor

il serra Donative, & nient presentable, & que le Chapleine serra deprivable per le founder & ses heires, & nemy per le Evesque, & ceo semble destre le original de Donatives en Engleterre, *Fitz. dit, fol. 33. c.* Que la sont alguns Chauntries que home poit doner per ses Letters Patents.

Et tous Evesqueries fueront del foundation de Royes D'engleterre, & pur ceo en ancien temps ils fueront Donative, & dones per les Royes; uncore jammes les Evesqueries sont deveigne, p les grants del Royes, eligible per leur Chapitre, *Co. lib. 3. fol. 76.*

Doomes day.
Doomes day est un lieu que fut escrie en le temps de S. Edward le Confessour, come est viel N.B. fol. 15. & devant en le title Ancient Demefne, contenant en c' non solement tous les terres per Engleterre, mes auxy tous les noymes de ceux queux maines ils fueront a cel temps qnt le lieure fut fait M. Lambeth prova, Que cest lieu fut fait en le teps d'Guillem le Conquerer oue que Monsieur Camden en son Britan, pag. 94. agrea, ceo provant hors de Ingle, que flourie mesme le temps, que touchant le contents d' ceo ad ceux parolx: Totam terram descripsit; nec erat Nida in tota Anglia, quin valorem ejus & possessorem scivit, nec lacus nec locus aliquis quin in Regis rotulo extitit descriptus, ac ejus redditus & proveniens, ipsa possessio & ejus possessor

*ſeſſe Regie notitia manifeſta-
ſta, ſuxta Taxatorum fidem, qui
electi de qualibet Patria Terri-
torium proprium deſcribebant.
Iſte Rotulus vocatus eſt Rotu-
lus Wintonie, & ab Anglio
pro ſua generalitate, quod om-
nia Tenementa totius terra con-
tineat, Doomes Day cognomi-
natus. Et ceſt Lieure eſt alcun
foirs appel Liber Judicatorius,
quia in eo regni deſcriptio dili-
gens continetur: & tam de
tempore Regis Edward, quam
de tempore Regis Gulielmi, ſub
quo factus eſt, ſingularum ſinde-
rium valentia exprimitur.*

Dorture.

*D*orture eſt un cōmon roome,
lieu, ou chambre lou tous les
Friers d'un covent dormōt & ſi-
ſerōt tout le nuit, an. 25. H. 8. c. 11.

*D*onor & Donee. *Donor* eſt celui que done
terres, ou tenements al auter:
en taile, & celuy a que il eſt
done eſt appel le *Donee*.

*D*ouble plea. *Double plea* eſt lou le deſen-
dant ou tenant en alcun
action plede un plea, en q̄ deux
matters ſont comprehendus, &
cheſeun per luy meſme eſt un
ſufficient barre ou reſpons al
action, donques tiel double plea
ne ſerra conuitt par plea, ſinon
que un depend ſur l'auter, & en
tiel caſe ſi il ne poit aver le d̄
attrayne plea ſans le primer plea,
donques tiel double plea ſerra
bien ſuffre.

*D*ouble quarrel. *Double quarrel* eſt un cōm-
plaint fait per aſc̄ Clerk ou
auter, al Archeveſque del Bro.

not aridde knowne according to the ſidely
Taxors, who deſcribed the
Countre, wherein they
ſaid: That Rollis called
Wintonie; and of the Engliſh
it's generalitie, for that it con-
teth all the tenements
throughout the land, is cal-
med Doomes day. And this
is ſomethen called Liber
Judicarius, becauſe in it is made
diligent deſcriptio of the
and expreſſeth the value of
ground therof, as well in the
King Edward as in the time of
King William, under whom it was com-
piled.

Dorture.

*D*orture is a common
place, or chamber, where
Friars of one covent ſleep
all night, Anna. 25. H. 8. c. 11.

*D*onor and Donee. *Donor* is he which giveth
or ſtewardſhip to another
taile, and he to whom the
giberr is called *Donee*.

Double plea.

*D*ouble plea is where the
ſervant or Tenant in
action pleadeth a plea, in
which two matters be com-
bended, and every one by himſelf
is a ſufficient barre to
the action; then ſuch a double plea
ſhall not be admitted ſave
except one depend upon
and in ſuch caſe if he ſuffer
have the laſt plea without the
plea, then ſuch a double plea
be well ſuffered.

Double quarrel.

*D*ouble quarrel is a com-
plaint made by any Clerk
ther to the Archbiſhop of

which any inferior
delaying of Justice
Ecclesiastical, or to
op to institute a
of such like the
is, That the Arch-
knowledge of such
letters under
seals to all and
of his Province,
and giving
to them and every of
the said Arch-
nine dayes to dar
required, or otherwise
him to appeare before him
at a day in the
fixed, and there to
of his delay:
to intimate to the said
that if hee perfo-
the thing enjoined, nor
at the day assigned,
without other day
to performe the Ju-
And it seemeth to
a double Quarrell, be-
it is most commonly
the Judge, and him
request Justice is de-

vinced enus aſt inferior Ordina-
rie par ſlaier d' justice en af-
cun cause Ecclesiastical, come a
doner ſentee ou d' instituer un
Clerke preſentus, ou tiels ſem-
blables, l'effect de que est, q' l'
Archieſq; prendat conſaſſance
de tiel delay, directa ſes letters
ſous ſon ſcale authentiq; a tout
& ſingular Clerks d' ſon Pro-
vince, p' ceo'eux commaundant,
& donant eux authorite &
cheſe d' eux d' admoniſher le dit
Ordinarie deins neuſe jours a
faire le justice demand, ou auſ-
ment d' citer luy d' appaerer de-
vant luy ou ſon Official al un
jour en les dit letſe preſſe, &
la d' alledger le meſtre d' ſon
day: Et denierment le inti-
mater al dit Ordinarie, que ſi
ne performa pas le chole en-
joyne ne apparust al jour af-
ſigne, il luy meſme ſans auter
delay procederoit de performer
le Justice require. Et ceo ſem-
ble deſtre terme un double que-
rele pur ceo que est plus com-
munement fait enuers le Iudge,
& celuy a que petition Justice
est delay.

Dower.

by the Law of the
 Realme, is a portion which
 hath of the lands of
 husband, which by the
 Law is the third part,
 the husband assigne-
 by his father's assent at
 Church dothe ſhe may have
 of his father's lands, as
 assigned, and so of the hus-
 assignment of part of his
 And Dower by the
 some places is to have

Dower per le ley del Realme,
 est un portion que ſeme
 ad del terres del baron, quel
 per Common Ley est le tierce
 part, & per assignement del
 baron per assent son pere al
 huis del Esglise, poit aver tant
 del terre son pere come est is-
 sint assigne, & issint del as-
 signement son baron depart
 son terre demesne. Et Dower
 per custome de ascun lieux est
 de aver le moitie del terre le

baron. Et auxy Dower est un Briefe, & gist lou home est sole seisie durant le couverture. p enter luy & la feme, de terres ou tenemens en fee-simple ou fee-taille, lou per possibilitie le issue enter eux poyent enheriter, si tiel home devie, sa feme recouvrera le tierce part d tous les terres dont le baron fuit sole seisie aucun temps durant le couverture per Briefe de Dower unde nubi habet, mesque il ne morust seisie, & mesque il ad fait alienation de ceo en sa vie.

Mes si home devant le Statute de Uses, 27. H.8. ad terres, en queux au home, ou aus homes fueront seises a son oeps tous fuits durant le couverture, & cestuy a q oeps ils fuerount seises devie devaunt le dit Statuf, sa feme ne serroit endow.

Et auxy si devaunt le dit Statute deux homes sont seises de terre al oeps de un de eux, & cestuy a que oeps, &c. devie devaunt le dit Statute, sa feme ne serra endowe. Auxy si feme port Briefe de Dower, el recouvrera dammages, pur le profit incurrus apres le mort la baron, sil morust de ceo seisie: mes si aucun alienation ou estate soit fait durant le couverture, issint que le baron ne morust seisie, donques mesque el recouvrera la terre, uncof el ne recouvrera dammages.

Auxy il est un auter Briefe de Dower, appel Briefe de Droit de Dower, & gist lou feme ad recover part de sa Dower en mesme la Ville, &

haile the husbands land. also Dower is a writ, where a man is sole seising the coverture between his wife, of lands or tenements in fee-simple, or fee-taille, by possibility the issue between may inherit, if such a man his wife shall recover the part of all the lands his husband was sole seised time during the coverture. writ of Dower unde nubi habet though he dyed not seised, though that he made alienation thereof in his life.

But if a man before the Statute of Uses, 27. H.8. had in the which another man or men were seised to his use during the coverture, and whose use they were seised, before the said Statute, his wife shall not be endowed.

And also if before the Statute, two men be seised lands to the use of one of them and her to whole use, &c. before the said Statute, his wife shall not be endowed. And a woman bring a writ of Dower she shall recover damages, if the profit run after the death of her husband, if he dyed before the said Statute, if any alienation or estate were made during the coverture, so that the husband was not seised, then though she shall recover the land, yet she shall not recover no damages.

Also there is another writ of Dower, called a writ of Right of Dower, and it lyeth where a woman hath recovered part of her Dower in one Town, &

that she is to recover. Al-
ways cases a woman shall
have power, as if the hus-
band is outlawed for the which
is outlawed, then his wife
shall have no Dower.

If he go away from her
with another man in
law, and if she be not re-
covered to her husband of his
estate without cohercion of
the Church, she shall not be en-
titled. *In Lit. l. i. c. 4.*

It is more where in the Ci-
vil Law, Dower is that which
the husband hath with his wife
in marriage, to maintaine
her married estate, by the Lawes
of the Realme, by the word Do-
wer meant such portion as
she shall have after her husbands
death.

Drift of the Forrest.

Drift of the Forrest is nothing
but an exact view or
survey taken once, twice,
or three times in a yeare, as occasi-
on require, what Drifts
are in the Forrest, to the
end the common in the
Forrest be not overcharged,
the Beasts of Forrey-
ners that have no common
may be avoided, and
the Beasts that are not com-
mon may be put out. See
the Statute of 32. Hen. 8.
and Manwoods Forrest
cap. 15.

Right.

It is where one hath a
right that was taken from

another part el est a recover.
Auxy en divers cases feme
navera power, sicome le ba-
ron fait treasons purque il est
attaint, donque sa feme na-
vera dower.

Auxy si el clopa de la ba-
ron ovesque un autre home
in advourry, & si el ne soit
reconcile a son baron de son
bone volent sauns cohercion
del Eglise, el ne serra endow.
Veies Litt. lib. i. cap. 4.

Et issint nota, que lou per
Civil Ley, dower est ceo que
le baron cyt ove sa feme pur le
marriage, de maintenir leur
joyned estate, p les Leyes del
Realme, per le parol (*Dower*)
est intrende, le portion que
le feme puis le mort del ba-
ron, avera pur sa viner.

Drift del Forest.

Drift del Forest nest ri-
ens forsque un exact
view & examination prise un
foits, deux foits, ou plus foits
en un an, come occasion re-
quire, queux Avers sont deins
le Forest, al intent que le
common en le Forest ne soit
surchargé, que les Avers des
Forreyners ne sont permits
de commoner la, & que A-
vers que ne sont commona-
bles poyent estre expels. *Veies*
pur ceo le Statute 32. H. 8. cap.
35. & Manwood. Forest Leyes,
cap. 15.

Droit.

Droit est lou un ad chose
que fuir tolle d'auter
S per

The Exposition of

per tort, come per disseisin, discontinuance, ou ejectment, ou tiels semblables, & le challenge ou claime que il ad que avoit le chose, est terme droit.

Si feme release tout sa droit a cestuy en reversion, sa dower est extinct, car quant le droit, que est le foundation & le principal, est release, p consequence l'action que n'est fors q le meane a recover ceo, est auxy release. Per release de tout tideal tre tout son droit est extinct. Issint quant home ad title ou per condition, ou per alienation en mortmaine, le release de tout son droit extingera cest title, *coke. lib. 3. fol. 151, 153.*

Droit d'entrie.

Droit d'entrie est quaunt un seise de terre en fee, de ceo disseise, ore le disseisee ad droyt denre en le tre, & poir qur il voyle, ou il poir au Brieve de droit enners le disseisor.

Duces tecum.

Duces tecum est un Brieve hors del Chancery, commaundant home par apparellas, & de porter ove luy ascun peece d' evidence, ou aut chose q le Court voiloit veier.

Dum non fuit compos mentis.

Dum non fuit compos mentis, est un B're, & gift lou h'oe q

another wrongfully, as by seisin, discontinuance, or putting out, or such like, and challenge or claime that he who should have the thing, is called Right.

If a woman release all her right to him in reversion, her Dower is extinct, for when the Right, which is the foundation and the principall, is released, by consequence the Dower, which is but the meane to recover, is also released. By release of all title to the land his right is extinct. So when a man hath title either by condition or by alienation in mortmaine, the release of all his right shall extinct this title. *lib. 3. fo. 151, 153.*

Right of entrie.

Right of entrie is when one is seised of land in fee is disseised, now the disseised hath right to enter into the land and may so doe when he will, or else may have a writ of right against the disseisor.

Duces tecum.

Duces tecum is a writ out of the Chancery, commanding a man to appear there, and bring with him some proof of evidence, or other thing that the Court would have a sight of.

Dum non fuit compos mentis.

Dum non fuit compos mentis is a writ, and it lyeth when

est hors de son bene. memory
cest adre, infant ou lunatique,
alien les tres & il ad e' ses fin
ple, & d'avy, donq's son h'e aps
son d'cease a'ia cest Briefe, mes
il m' f'auia cest Briefe, pur ceo
& home ne ferra receiue a dis
able luy meisme. Auxy cest
Briefe puit estre fait en le *Per*,
Cui, & *Post*.

*Dum fuit infra
etatem.*

D'un fuit infra aetatem est un Brieſe, & giſt lou Enfant deins age alien ſa terre que il ad en ſon ſimple, ou pur terme de vie, quant il vient a ſon pleine age il avera ceſt Brieſe, ou il puit enter ſil voile, mes il cōvient que il ſoit de pleine age jour de ſon Brieſe purchaſe. Auxy ſi Enfant alien ſon terre, & devie, ſon iſſue a ſon pleine age avera ceſt Brieſe, ou puit enter, mes le iſſue-navera ceſt Brieſe deins ſon age.

Duplicat.

*D*uplicat est un second let-
tres Patents grantus per
le Seignieur Chaucellor, on
case lou il ad graunt le mesme
devant, & par ceo sont ternus
voyds pur M. Crompton en
son Jurisdiction des Courts,
fo. 215.

Dirección

D'resse est lou un hœc est
garde en prison, ou re-
straine d son liberty, contra-
ry al order d Loy, ou menasse
S 2 dste

The Exposition of

dste occide, mayheme, ou
 graundement bature, & si tiel
 pson issint & prison, ou pavor
 pur tiel menasse, fait aucun e-
 specialty ou obligation, per
 reason de tiel imprisonment,
 tiel fait est voyd en le Ley, &
 en action port sur tiel especi-
 alty puyt dire, que il fuit fait
 per dureste de son imprison-
 ment. Mes si home soyt arrest
 sur aucun action al fuit d'un
 autre, mes que le cause del acti-
 on ne soit bone ne volre,
 sil fait aucun obligation a
 un estraunger esteant en pri-
 son per tiel arrest, uncore
 il ne serra dit per dureste.
 Mes sil fait obligation a luy
 a que fuit il fuit arrest d'ee dis-
 charge de tiel imprisonment,
 donques il serra dit dureste, ut
 diciter.

menaced to be killed, maimed,
 greatly beaten, and if such
 son so in prison, or in fear
 such threatnings, make
 specialty or obligation, by reason
 of such imprisonment, such
 deed is void in the Law, and in
 action brought upon such
 specialty, he may say, that
 was made by dureste of im-
 prisonment. But if a man be
 rested upon an action at the
 of another, though the cause
 the action be not good nor true,
 if he make an obligation to
 stranger being in prison by
 arrest, yet it shall not be said
 dureste. But if he make an ob-
 ligation to him at which
 he was arrested to be
 charged of such imprisonment,
 then it shall be said Dureste,
 it is said.

E.

Ealderman.

E Alderman ent les Saxons
 fuist taunt come Count &
 ter les Danes, *Cam Br. p.*
107. Et a cest jour nous appel-
 lomous ceux Alderman, q sont
 Associats al prin Officer en le
 Common Councel del ville,
24. H. 8. c. 12. & en aucun liens
 le prin Officer luy mesme est
 appel Alderman.

Easement.

Easement est un immunitie
 q un vicine ad d'un autre, p
 charter ou prescription launt

E.

Ealderman.

E Alderman amongst the
 Saxons was as much
 as Earle amongst the Danes,
Ca. B. p. 107. And at this day we
 call them Aldermen, which are
 Associates to the chief Officers
 in the Common Council of the
 Towne, *24. H. 8. cap. 12.* and in
 some places the chief Officer
 himselfe is called Alderman.

Easement.

Easement is a privilege
 one neighbour hath of an-
 other, by writing or prescrip-
 tion.

profit, as a way of a
through his land, of such
the fol. 105.

Egiptians.

Gypsies commonly called
Gypsies, are counterfeits
of English, which
disguise themselves in
and apparell, and wan-
and downe the Coun-
pretending to have skill
of fortunes, and so
the Common people,
chiefly by fitching
healing, and therefore
statutes of 1. & 2. Mar.
4. & 5. Eliz. chap. 20.
made to punish such as
if they departed not
the Realme, or continued so a
month.

Ejectione firmæ.

Ejectione firmæ, looke for that
in the title Quare ejecit infra
terminum.

Ejectment de gard.

Ejectment de gard, look for that
in the title of Gards.

Eyre Justices.

The Justices, or Itinerant, as
we call them were Justices
used to ride from place to
throughout the Realme to
administer Justice.

And these Justices had au-
thority in ancient times to
the land that was seised
the King for Alienation
without licence. for then Ju-
stices in Eyre might have

profit, come un voy ou un
chanel p son frs, qu tiels sem-
blables, Kir. fo. 105.

Egiptians.

EGiptians vulgarter vo-
cati Gypsies, sont coun-
terfeit Vagabonds, Wallois ou
Anglois, que eux mesmes dis-
guise en robes & language.
& vagueront per le Pais, pre-
tendant daver science en pal-
mestry, & issint deceive le vul-
gar, mes vivont principalement
per embles & embeasiler des
biens. Et par ceo l'estatutes
1. & 2. Mar. cap. 4. & 5. Elez.
cap. 20. fueront fayts p le pu-
nishment des tiels persons
come felons, s'ils ne departont
le Realme, ou issint continue
per un moys.

Ejectione firmæ.

Ejectione firmæ, vide de ceo
en le title quare ejecit in-
fra terminum.

Ejectment de Gard.

Ejectment de gard, veies de
c' en le title Gards.

Eyre Justices.

Eyre Justices, ou Itinerant,
que nous appel eux, fuerot
Justices q use de equitate de
lieu al lieu p tout le Realme
p administrer justice.

Et ceux Justices avoient au-
thority en ancient temps a
granter terre que fuit seise p
le Roy pur Alienation sans
Licence, car adonques Justi-
ces en Eyre pouvoient aver

The Exposition of

graunt del fre en fee, rendant
rent come Justices del For-
rest, que en effect quant a
cest purpose sont Justices en
Eyre a cest jour, poyent d ter-
res enclose deins un Forrest,
sauns congee le Roy, *Coke lib.*
2. fol. 80.

Election.

ELECTION est quant home est
laïse a son frank arbiter-
ment de mesme de prendre ou
faire un chose ou auter que il
voile : Come si A. covenant
de payer al B. un liver de pep-
per ou saffron devant Pentico-
st, est al election de A. tout
temps devant Penticoct, que
il eux il voile payer, mes
si ne ceo paya devant le dit
Feast, donque enaps est al
election de B. p aver son ad-
ion pur quel a luy pleist, ou
del Pepper ou al Saffron. *Dy.*
fo. 18. pl. 104.

Issint si home done a un au-
ter son Chival ou Vache, le
Donee poit prendre l'un ou
laurer a son election : Mes si
fuit que il donera en le futur
temps, la le Donee ne poit
prendre l'un ou laurer, car
donque l' election est en le
donor, *21. H. 7. 19.*

Auxy si un Justice d Peace
direct son garrant a un Con-
stable, damesi le party attach
devant luy ou aus Justice, est
al election del Constable dal
a quel Justice que a luy pleist,
Coke li. 5. fo. 59. & en mesme le
manier est en plusors auters
cases.

granted such land in fee,
paying rent as Justices of
Forest, who in effect, for
this purpose, are Justices
in Eyre at this day, may of
land inclosed within a forest
without the Kings licence,
lib. 2. fol. 80.

Election.

ELECTION is when a man
left to his owne free will
to take or doe one thing or
other which he pleaseth : As
if A. covenanteth to pay B.
pounds of pepper or saffron be-
fore whitson tide, it is at the
election of A. at all times be-
fore whitson tide, which
them hee will pay, but if he
payes it not before the
feast, then afterwards it is at
the election of B. to have com-
pensation for which he pleaseth,
either of the Pepper or of
Saffron, *Dy. f. 18. pl. 104.*

So if a man giveth to
another his horse or cow, the
Donee may take the one or
other at his election : But if
it was that he will give in the fu-
ture tense, then the Donee
not take the one nor the other
for then the election is in the
donor, *21. H. 7. 19.*

Also if a Justice of Peace
directeth his warrant to a Con-
stable, to bring the party ap-
pealed before him, or to the
Justice, it is in the election
of the Constable to go to the
Justice he pleaseth, *Coke lib. 5.
59.* and in the same wise in
many other cases.

Elegit.

What by Elegit, is where
 such hath recovered debt
 damage by a writ against
 another by confession, or in o-
 ther manner, he shall have with-
 in the year against him a writ
 judiciall, called Elegit, to have
 execution of the halfe of all his
 lands & chattels, (except Oxen
 & Beasts of the Plow) till
 he have damages he shal-
 lowed and paid to him, and
 within the terme he is tenant
 by Elegit.

To note, That if he be put
 out within the terme, he shall
 have a Writ of Novel Disseisin, &
 a Redisseisin if need be, and
 this is given by the Statute of
 Westm. 2. cap. 18.

Also by the equity of the
 said Statute, he that hath his
 land if he be put out shall have
 a Writ of Novel Disseisin &
 Redisseisin if need be.
 Also if he make his execu-
 tors and die, and his executors
 enter, & after be put out, they
 shall have by the equity of the
 said Statute such action as he
 might have before said. And if he
 be put out, and after make his
 executors & die, his executors
 may enter, and if they be stopped
 in their entry, they shall have a
 Writ of Trespass upon their
 entry and case.

To note well, if he doe
 waste in all the land or parcell
 he or other shall have against him
 immediately a writ judiciall out
 of the first Record, called Ve-
 nire facias ad computandum, by

Elegit.

Tener per Elegit est lou
 home ad recover det ou
 damage per Brieve devers
 un autre per consufance, ou en
 autre manner, il avera deins le
 annee d'vers luy un Brieve ju-
 dicial, nomme Elegit, d'aver ex-
 ecution d' moitie de tous ses
 terres & chattels, (except
 Boeufs & Avers a la carves)
 tanque le dette ou dommages
 soyent ousterment levies ou
 payes a luy, & durant cest tme
 il est tenant p Elegit.

Et nota, Sil soyt ousta
 deins le terme, il avera Affise
 de Novel Disseisin, & apres
 un Redisseisin, si besoigne
 soyt, & cest done p l' Estatut
 de West. 2. cap. 18.

Et auxy per l' equitie de
 mesme le Statute, celuy que ad
 son estat, sil soit ousta, aia
 Affise & Redisseisin si besoign
 soit. Et auxy sil face ses exe-
 cutors & devie, & ses execu-
 tors entrent, & puis soyent
 oustes ils aüont per l' equirie
 de mesme le Statute tiel acti-
 on cõe luy mesme suiscit. Mes
 sil soyt ouste, & puis fait ses
 executors & devie, ses execu-
 tors purront enter, & sils soy-
 ent estoppes de leur entree, ils
 averont un Brieve d' Trespas
 sur leur matter & case.

Et nota, sil face waste en
 tout le terre, ou en parcell, lauf
 avera envers luy maintenant
 un Brieve judicial hors de le
 primer Recorde, appelle Ve-
 nire facias ad computandum,

The Exposition of

per force de quel serra in-
quise fil ad luy tous les de-
niers ou parcel, & fil nad le-
vie les denies, donques ser-
roinquise a quaut le waste
amounte, & si le waste a-
mounte sinon a parcel, don-
ques tants des denyers que
le waste amounte, serra a-
bridge de les suisdits denyers
queux faeront destre le-
vies. Mes fil ad fayt pluis
waste que l' avantdit somme
d' argent que suit a estre
levy amount, l'auter serra
discharge maintenant de tous
les denyers suisdits, & recove-
ra la terre. Et pur la super-
fluite d' waste fayt, ouster ceo
que amounte a le dit somme,
il recouvera ses dammages sin-
gle, & mesme le Ley est de
les executors, & auxy d' cestuy
que ad son estate.

Et nota, fil alien en fee,
ou a terme de vie, ou en
Taile, tout le terre ou parcel
de la terre, que il tient per
Elegit, si l' Alienation soit
fait deins le terme ou apres,
ceuy que ad droit avera
vers luy un Assise de *Novel
Disseisin*. Et covient que ils
soyent mis en l' Assise ambi
deux, auxybien l' Alienor cōe
l' Alienee, & non obstant
que l' Alienor devie main-
tenant, uncore cestuy que ad
droyt, avera vers l' Alienee
sole Assise, come sil ust estre
son simple Tenant a terme d'
ans. Et ceo est per l' equi-
ty del Statute de *westmo-
nast. 2. cap. 25.* pur ceo que il

which it shall be enquired
have levied all the money
parcell, and if hee have
levied the money, then it
inquired to how much
waste amounteth, and if
waste amount but to part
then as much of the money
the waste amounteth unto
be abridged of the foresaid
money which was to be levied.
But if hee have done more
waste then the foresaid summe
of money which was to be
levied amounteth, the other
shall be discharged by and by of
the said money, and shall re-
cover the land. And for the
sentry of the waste made
that that amounteth to the
summe, he shall recover his
damages single, and the same
is of his Executors, and also
him that hath his estate.

And note, that if hee alien
fee for terme of life, or in taile,
all or parcell of the land which
hee holdeth by Elegit, if the
Alienation be made within the
terme or after, hee which hath
right shall have against him
an Assise of Novel Disseisin.
And they both must be put in
the Assise, the Alienor and the
Alienee, and notwithstanding
that the Alienor dye prede-
ceasely, yet hee which hath right
shall have Assise against the
Alienee alone, as if the Alie-
nor had bene a plaine Tenant
for terme of yeares, and this
is by the equity of the Statute
of Westminster. 2. cap. 25. by which
that hee hath nor but a right

and the same Law
of his Executors, and of him
high his estate, as is a-

note well, That in Ele-
the Sheriffe returne, that
nothing the day of the
made, but that he
lands after the time,
the party Plaintife shall
a new writ to have execu-
thereof: the same Law is of
Merchant.

note well, That after a
facias a man may have the
leg, but not contrariwise, for
the Elegit is of more higher
than the Fieri facias.

note well, That if a man
by a writ of Debt, and
a Fieri facias, and the
Sheriffe returne, that the De-
btor hath nothing whercof
he may satisfy the debt to the
party, then the Plaintife shall
the Elegit, or Caput sicut alias,
or Pluries. And if the Sheriffe
returne to the Capias, Mitto vo-
bis corpus, and he have nothing
whercof he may make satisfac-
tion to the party, he shall be sent to
the Prison of the Fleet, & there
he shall abide untill he have made
satisfaction with the party, & if
the Sheriffe returne Non est in-
ventus, then there shall goe forth
a Writ against him.

note well. That in a
writ of Debt brought against
the Prison of holy Church,
which hath nothing of Lay
fee, and the Sheriffe returne
that he may not be summo-
ned, then shall the Plaintife sue

nad forsque chancel en effect:
& mesme l' Ley est de ses ex-
ecutors, & d' cestuy que ad son
estate, come est susdit.

Et nota, Que en Elegit, si
le Viscount retourne, que il
avoit riens jour de la Recog-
nissance faire, mes que il pur-
chise tre puis le temps, adoncs
le partie Plaintife avera novel
Brieve de aver execution de
ceo: mesme le Ley est de un
Estatue Merchant.

Et nota, Que apres le Fieri
facias un home poit aver le
Elegit, mes non cont' entaunt
que le Elegit est d' plus haulte
nature que le Fieri facias.

Et nota, Que si home re-
coit per Brieve de det, & sue
un Fieri facias, & le Vis-
count retourne, que le Defen-
dant nad riens dont il poyt
fayre gree a le party, donques
le Plaintife avera un Elegit,
ou un Capias sicut alias, &
Pluries. Et si Viscount re-
turne a le Capias, Mitto vo-
bis corpus, & il nad riens
dount il poit fait gree al
party, il serra maund al galle
del Fleet, & illonques de-
mure tant que il ad fait gree
al party, & si le Viscount
returne, Non est inventus,
adonques issira Lexigent en-
vers luy.

Et nota, Que en Brieve de
dette port devers Parson de
Saint Eglise, que nad rien de
Lay Fee, & le Viscount re-
tourne, que il nad riens per
que il poit estre summo-
ned, adonques le Plaintife suera
Brieve

The Exposition of

Briefe al Evesque, que il face
vener son Clerke, & Levesque
luy serra vener per sequestra-
tion del Eglise.

Et nota bien, Que si home
port Briefe de det, & recover,
& face ses executors, & devie,
ils naveront execution, non
obstant que il soit deins l'an
per un *Fieri facias*.

Elopement.

ELopement est quant feme
espouse departa de son ba-
ron ove un adulterer, & ove l'
adulterer demura sauns vo-
luntarie reconciliation a sa
baron, per ceo el perdra sa
dower per le Statute d' *West-*
monast. 2. cap. 34. sur que un
Verse ad estre fait en cel
manner.

*Sponte virum mulier fugiens,
& adultera facta,
Dote sua careat, nisi sponso
sponte retracta.*

Embleaments.

Embleaments sont les pro-
fits de terre que ad estre
semy, & en ascuns cascs cestuy
que ceo emblea eux avera, &
en ascuns nemy: come si te-
naunt pur vie emblea le terre,
& apres morust, les executors
del tenaunt pur vie avera les
Embleaments, & nemy cestuy
en reversion.

Mes si tenaunt pur ans em-
blea le terre, & devant que
il ad sever les Embleaments
del terre son terme expire,
ore le Lessor ou cestuy en re-

a contr to the Bishop shal
make his Clerke to come, the
Bishop shall make him to come
by sequestration of the Clerke.

And note well, That if a man
dying a writ of Debt, & recover,
make his Executors, & devie,
they shall not have execution
notwithstanding that it be made
in the years by a *Fieri facias*.

Elopement.

ELopement is when a mar-
ried woman departeth from
her husband with an adulterer
and dwelleth with the adulterer
without voluntary reconcil-
ement to her husband, so that
she shall lose her dower by
the Statute of Westminster, 2. cap. 34.
whereupon a Verse hath been
made in this manner:

The woman that her husband
And in adultery leads her life,
If that he die unreconciled,
The Law endoweth no such wife.

Embleaments.

Embleaments are the profits
of the land which hath been
sowed, and in some cases the
which sowed them shall have
them, and in some not: as if a
tenant for life sow the land, &
afterwards dyeth, the executor
of the tenant for life shall have
the Embleaments; and not the
reversioner.

But if tenant for years sow
the land, and before that he be
severed the Embleaments shall
the land his terme expire,
there the Lessor, or his reversioner
shall have them.

shall have the Embleaments of the Trees for years. If he disseiseth me, & cuts the Embleaments growing upon the land, afterwards I re-enter, I shall have an action of Trespass against him for the Embleaments; but if my Disseisor maketh a feoffment in fee, within the land whereof he disseiseth me, & the Feoffee or Lessee taketh the Embleaments, after I re-enter, I shall have Trespass Vi & armis against them which come in by him, but against my Disseisor, *Coke lib. II. fol. 51.*

If a woman Coptholder during her widowhood, according to the custome of the Mannors taketh the land, and before the term of the Embleaments taketh a husband, the Lord shall have the Embleaments. If a woman seized of land during her widowhood maketh a lease for years, and the Lessee taketh the land, & the woman taketh a husband, there the Lessee shall not have the Embleaments, although his estate be determined by the act of a stranger. And although it is commonly held in our Bookes, that if a man lease his land at fee, and after the Lessee soweth the land, and then the will is determined that the Lessee shall have the Embleaments, yet if the Lessee himselfe determine the will before the severance of the coigne, he shall not have the Embleaments. *See Coke lib. 5. fol. 116.*

version avera les embleaments & nemy le Lessee pur ans. Si un disseise moy, & succide les embleaments creissants sur le terre, & puis Ieo re-enter, Ieo avera action de Tres-passe vers luy pur les embleaments; mes si mon disseisor fait feoffement en fee ou lessa le terre dont il moy disseisist, & le Feoffee ou Lessee prist les embleaments, & puis Ieo re-enter, Ieo n'avera tres-passe *Vi & armis* vers eux queux veignent eins per titre, mes vers mon disseisor, *Coke lib. II. fol. 51.*

Si feme Coptholder *Durante viduitate sua*, solongue le custome del Mannour emblea le terre, & devant le severance des embleaments el prist baron, le Seignieur avera les embleaments. Iffint la feme seiscie de terre *Durante viduitate*, fait un lease pur ans, & le Lessee emblea le terre, & puis la feme prist baron, ore le Lessee n'avera les embleaments coment que soit estate est determine per l'act d'un estranger. Et nient obstant que est communement tenu en nostre Lieurs, que si home lessa terres a volunt, & puis le Lessee emblea le terre, & puis le volunt est determine, que le Lessee avera les embleaments, uncore si le Lessee luy mesme determine le volunt devant le severance des blees il n'avera les embleaments. Veies *Coke li. 5. fo. 116.*

Embrasour

The Exposition of

Embrasour ou Embraceour.

E*mbraour ou Embraceour*, est celuy, que quant un matter est e trial perenter party & party, vient al barre ove un del parties (ayant rescieve ascun reward pur issint faire) & parle en le case, ou prevyement labor le Jury, ou estoia la pur surveier ou survieuer eux per cest meanes de mitter eux en payour & dont del matter. Mes homes que sont erudite en Ley, poyent parler en le case pur loar Clients.

Emparlance.

E*mparlance* est quant hœc ekeant a responder al action ou suit d'un auter pria ascuns temps de respite de luy mesme adviser le meux que il respondera; & nest auter forsque continuance del cause al un jour ouster.

Et pur ceo coment le Plainrife (en Banke le Roy) apres le Barre plede, ad jour de reply deux ou trois Termes apres, uncore nul mention serra fait en le Rolle d'ascu emparlance ou countenance, mes l'entry serra generalment, & entend d'ist mesme le Terme. Mes auterment est d'un Barre, car ceo contene l'imparlance ou continuance, & est en tiel forme: *Et modo ad hunc diem, scilicet, diem Veneris &c. Iste eodem termino, usq; ad*

Embrasour or Embraceour.

E*mbraour or Embraceour*, he that when a matter is in trial between party and party cometh to the Barre with one of the parties (having received some reward so to do) and speaketh in the case, or prevyly labourerth the Jury, or standeth there to surveye or overlooke them, thereby to put them in feare and doubt of the matter. But men that are learned in the Law may speake in the case for the Clients.

Emparlance.

E*mparlance* is when a man being to answer to the law or action of another, detaineth some time of respit to advise himselfe the better whiche to answer; and it is nothing but a continuance of the cause untill a further day.

And for this although the Plainrife (in the Kings Bench) after the Barre pleaded, hath time to reply two or three Termes after, yet no mention shall be made in the Roll of emparlance or continuance, but the entry shall be general, & intended to be the same Terme. But it is otherwise with a Barre, for it containeth the emparlance or continuance, and is in this manner: And now this day, that is, Friday, &c. in the same Terme, untill, which

the foresaid A. had licence
imparle, &c.

But there is no such entrie
replication or rejoyn-
dre. See Coke, 1. s. f. 75. Brit.
which this word for the
cause of a Jury upon the
cause to them committed.

Encroachment.

Encroachment comes from the
French word Accrocher, that
signifieth to draw to. And it sig-
nifieth in our common Law an
unlawfull gaining upon the
possession of another.
As when the Lord by de-
vice or otherwise compells the
tenant to pay more rent then he
ought, or than he need. See
Michals case, 9. rep. f. 33. So
when a man lets his hedge or
wall too far into the land of
his neighbour that he hurt him,
he is said to in-
croach upon his neighbour.

Enchefon.

Enchefon is a French word
much used in our Law
Books, as in the Statute
10. E. 3. cap. 3. and it signifies
as much as the occasion, cause,
or reason for which any thing
is done. So it is used by Stamf.
1. cap. 12. in his description
of a Deodand.

Indictment.

Indictment comes of the
French Enditer, that is, so set
out as he is. And it is a
Declaration in forme of

*quem diem prædictus A. habuit
licentiam interloquendi, &c.*

Mes nul tiel entrie est la
fait sur asc' replication ou re-
joindre. Veies Coke, li. 5. fo. 75.
Brit. cap. 53. uia cest parol pur
le conference d'un Jurie sur le
cause a eux commise.

Encroachment.

Encroachment venust del pa-
rol Francois Accrocher, id
est, apprehendere. Et signifie
en nre common Ley un illoy-
al ganier sur le droit ou pos-
session d'un autre. Et issint un
rent est dit est encroch, que le
Seignior, p cohercion del di-
stresse ou autrement compel le
tnt pur payer plus rent q be-
soigne ou q doit. Veies Buck-
nals case, 9. rep. fol. 33. Issint
quant home mist son hay ou
mure en le terre cey vicine
que gist prochein a luy, il est
dit pure inrocher sur son vi-
cine.

Enchefon.

Enchefon est un parol Fran-
cois mult use en les livres
de nre Ley, come en testa-
ture 50. E. 3. cap. 3. & signifie
tant come occasion, cause, ou
reason pur que ascun chose
est fait. Issint est use per
Stamford, lib. 1. cap. 12. en son
deserption d'un Deodand.

Enditement.

Enditement venust del
Francois Enditer, id est,
Indire. Et est un Bill ou de-
claration en forme del Ley,
exhibe

The Exposition of

exhibit per voy del accusation
vers home pur aucun offence
ou criminall ou penall, &
preserte as Jurors, & per leur
verdict trove & presentus des-
tre voyer devant un Judge ou
Officer que ad poiar de puni-
er ou certifier l'offence.

Endowment.

Endowment, Dotatio sig-
nifie ppermt le doner ou
assurer del dower al feme. Mes
est aucun foiz use p un Meta-
phor pur le mitter hors ou so-
verance du sufficient part ou
portion al un Vicar pur son p-
petuall maintenace qnt le Be-
nefice est appropriy. Et issint est
use en les Statutes, 15. R. 2.
cap. 9. & 4. H. 4. cap. 12.

Enfranchisement.

Enfranchisement est quaut
home est incorporate en a-
scun Societie ou Corps poli-
tique: Issint si Alien nec soit
fait denizen d'engleterre, il est
dit destre enfranchise; & cestuy
que est fait un Citizen d'Lon-
dres, ou autre Ville Corporate,
pur ceo que il est fait perneur
de ceux franchises, queux ap-
pent al Corporation en que il
est enfranchise.

Et quant home est enfran-
chise en un Citie ou Bo-
rough, il ad franktenement en
son freedome pur son vie, &
ore autres en leur politique
capacity, ad enheritance en
les terres d'el dit Corporation,
pur que le matter que serra

Law, exhibited by voy of ac-
sation against one for some
fence either criminal or
and preferred unto Jurors
by their verdict found guilty
to be true before a Judge or
Officer that hath power to
or certify the offence.

Indowment.

Indowment, Dotatio signi-
fies properly the giving or
ring of dower to a woman.
But it is sometimes by a
metaphor used for the setting
or severing of a sufficient por-
tion to a Vicar for his
petuall maintenance when
Benefice is appropriated. So
it is used in the Statutes
15. R. 2. c. 6. and 4. H. 4. c. 12.

Enfranchisement.

Enfranchisement is when
man is incorporated into
any Society or Body politick.
So if an Alien born be made
Denizen of England, he is
to be enfranchised; and he
is made a Citizen of London
or other Towne Corporate,
cause that he is made partaker
of those liberties which belong
to the Corporation where
he is enfranchised.

And when a man is enfran-
chised into a City or Borough,
he hath a freehold in his
dome for his life, and hath
others in their political capacity,
hath inheritance in the
lands of the said Corporation,
wherefore the thing which

the cause of his dis-franchisement ought to be an act or attempt only an endeavour to trespass whereof he was guilty before it be put in execution: And what shall be the cause to dis-franchise a man, and what not, See *lib. 11. in James Bagges Case, fol. 98.*

Englesherie.

Englesherie is an old word, which signifies nothing else but to be an English-man: In ancient time, as appeareth by *Bracton, lib. 3. Tract. 2. fol. 134.* If a man had been slain or murdered. he was accounted to be Francigena, which word implieth an Alien unill Englesherie were proved, that is, until it was made manifest that he was an Englishman: The word whereof was on this

King Canutus the Danish King having established his estate in peace, at the request of his Barons discharged his army of his Armies, whereupon he repared his greatest army, upon this condition, that the Barons would consent to a Law, That no man should kill an Alien, and was apprehended, he could not acquit him: he should be liable to pay a fine: But if the manslayer was dead, and could not be paid, then the Towne where the man was slain, should

cause d son dis-franchisement covient estre un act ou fait, & nemy conation ou entreprise donec il poyt repent devant l' execution de ceo: Et que serra sufficient cause de dis-franchiser un frankehome, & que neme, Veies *Coke, lib. 11. en Jacques Bagges Case, fol. 98.*

Englesherie.

Englesherie est un veiel parol, que riens auter imply forsque destre un home Anglois: Car en auncient temps, come appiert per *Bracton, lib. 3. Tract. 2. cap. 15. fo. 134.* Si un home ad este tue ou murdre il fuit account destre *Francigena*, quel parol emplia chescun Alien, jescq Englesherie fuit prove, ceo est, jescque il fait fait manifest que il fuit un home Anglois: Le commencement de quel fuit en tel mannger:

Canutus le Roy des Danes ayant establie son estare cy en peace, al prier de nostre Barons discharga le Terre de ses Armies, en que il reposa son greinder saretie, sur cest condition, que les Barons voient doper consent a un Ley, Que quecunque tuera un Alien, & fuit attache, & ne puit luy mesme acquitter, il serroit subject al Justice: Mes si le homicide escapa, & ne puit estre pris, donque le Ville ou le home fuit occide, forscitera

The Exposition of

seitera 66. Marques al Roy, & si le Ville ne fut able de ceo payer, donc le Mundred forfeitera & payera ceo al Treasure le Roy, & ouster que cheseun home mordre seroit account *Francigena*, sinon que Englesherie fuit proove; & coment il seroit prove, veies *Bracton* en mesme le Chapter, *Numb. 7.* Auxy veies *Horns Mirrour de Justices*, Lib. 1. cap. del Office del Coroner, & *Fleta*, lib. 1. cap. 30. Cest englesherie par les abuses & torts que fueront en apres perceive a farder de ceo, fuit tout ousterment abolish per un Statute, fait Anno 14. Edw. 3. cap. 4. Veies *Coke*, lib. 7. fo. 16. *Calvins Case*.

Enheritance.

Enheritance est tiel estate en Terres ou Tenements ou autres choses, que poient estre inherit per le heire, soit ceo de estate en fee simple, ou taile, per discent de ascun de ses Ancestors, ou per son purchase demesne.

Et Enheritance est divide en deux sorts: Cestascavoir enheritance Corporate, & enheritance Incorporate.

Enheritance Corporate sont mesuages, fres, prees, pastures rents, & tiels semblables, que ont substance en eux mesmes, & poient continuer tout réps: Et ceux sont appel choses Corporal.

forfeitt Arty five *Shilling* the King, and if the was not able to paye, the Hundred shoul and pay this to the Treasure, and further, every man murdered shoul be accounted *Francigena*, lesse that Englesherie be proved; and how it be proved, see *Bracton* the same Chapter, Num. 7. so see *Horns Mirrour of Justice*, Lib. 1. chap. of the Office of Coroners. and *Fleta* Lib. 1. chap. 30. This Enheritance for the abuses and grievances which were after perceived to arise thereto, was altogether abolished by Statute made Anno 14. Edw. 3. chap. 4. See *Coke*, lib. 7. fo. 16. *Calvins Case*.

Enheritance.

Enheritance is such estate in Lands or Tenements, or other things, as may be inherited by the heire, whether be in estate of fee simple, or taile, by discent from any of his Ancestors, or by his owne purchase.

And Inheritance is divided into two sorts: that is to say, Inheritance Corporate, & Inheritance Incorporate.

Inheritance Corporate are mesuages, lands, meadows, pastures, rents, and suchlike that have substance in themselves, and may continue forever: And these are called Corporall things.

Inheritance Incorporate are
 sonns, Villaines, Mayes,
 Courts, Fish-
 and such like, that are oꝝ
 appendant oꝝ appur-
 tenances Incoꝝ-

Enheritance Incorporate
 sont Advowsons, Villeynes,
 Wayes, Commons, Courts
 Piscaries, & tiels semblables,
 q̄ sont, ou poyent este appēdēt
 ou appartenant a Inheritance
 Incorporate.

The eldest part.

Enitia pars is that part that
 upon partition amongst co-
 parceners falls unto the eldest
 oꝝ antientest coparcen-
 er, as it appeares by 29 Li-
 on, sect. 245. And it is cal-
 led *Enitia pars* from the French
 Eigne oꝝ Aîné, that is,
 le plus boîné.

Enitia pars.

Enitia pars est ceo part q̄
 sur partition enter copar-
 ceners eschue al eîgēs foer ou
 eigne coparcener, come appi-
 erit per Monsieur Littleton,
 sect. 245. Et est appelle *Eni-
 tia pars*, ou *Enetia pars* del
 parol François Eigne ou Aîné,
 id est, primogenitus.

Inquisition.

Enquest is that inquiry which
 is made by Jurors in all
 causes civil oꝝ criminall tou-
 ching the matter in fact. And
 this inquirie is either of office
 oꝝ at the misse of the parties:
 and this word is used in the
 statutes of 25. Edw. 3. cap. 3.
 & 3 cap. 13. And almost in
 all statutes that speak of tri-
 als by Jurors.

Enquest.

Enquest est ceo inquiry que
 est fait per Jurors en tous
 causes civil ou criminall tou-
 chant le matter en fait. Et tiel
 enquest est ascun fois ex of-
 ficio & ascun fois ex prece
 partium: & cest parol est use
 en lestatutes d̄ 25. E. 3. cap. 3.
 28. E. 3. cap. 13. & fere en tous
 Statutes: quex parlont des tri-
 als per Jurors.

Entendment.

Entendment is a usuall word
 in our Law, when a thing
 is in doubt, then by intend-
 ment it shall sometimes be
 understood. As if an Inquisi-
 tion be found befoze a Co-
 roner, that a man was mur-
 dered. Which is a libertie,
 and is not said in the In-
 quisition, at 3. within the li-

Entendment.

Entendment est un common
 parol en nostre Ley, quant
 asc̄ chose est en averust don-
 que per intendment il serra
 ascun fois fait bone. Come
 si Inquisition soit trove de-
 vant le Coroner, q̄ un home
 fuit murder al A. que est un
 franchise, & nest dit en l' In-
 quisition, al A. deins le fran-

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chise de A. uncore ceo serra bone per entendment, car padventure le franchise poit entendre ouster le Ville, mes que le Ville mesme serra presume d'estre hors del franchise del Ville est un captious construction, pur que l' Inquisition serra bon p entendment, *Coke, lib. 5. fol. 121. Veies Kitch. fo. 224.*

Enterpleader.

ENterpleader est quant en ascun cause un chose eschia que de necessite doyt estre discusse devaunt le principal cause mesme soit determine: Et p ceo si deux psons sont trove heire all terre, per deux seual offices en un countie, per ceo le Roy est en averust a que il serra livery, pur quel cause, devaunt que livery soit fait, il voyle eux aver enterpleader, & per ceo determine a que il serra fayt. *Veies Coke lib. 7. fol. 45. Stam. Prer. ca. 19. Brooke tit. Enterpleader.*

Entire Tenancie.

ENtire Tenancie est ceo que est contrarie al severall tenancie, & implice un sole possession en un home, ou l'auter implia joynt ou common en plusors. *Veies Brooke, Severall Tenancie, & le viel liure de Entries, south cest title.*

Entre.

ENtre est lou un home entree en ascun terres ou tenements

berty of B. yet it shal be by entendment, for perature the libertie may extend yond the Towne, but the Towne it selfe shal be presumed to be out of the libertie of the Towne is a captious construction; wherefore the Inquisition shal be good by entendment, *Coke. l. 5. f. 121. Kitch, fol. 224.*

Enterpleader.

ENterpleader is when in a cause a matter happens which of necessity ought to be discussed before the principal cause it selfe be determined. And for this, if two persons be found heire to land by severall offices in one County, by this the King is in doubt to whom he shall give the livery, for which cause he will have them interplead, and then determine to whom it shall be made. *See Coke lib. 7. fol. 45. Stamf. Prer. cap. 19. Brooke tit. Enterpleader.*

Entire Tenancie.

ENtire Tenancie is that which is contrary to severall tenancie, and signifieth a sole possession in one man, where other signifieth joynt or common in more. *See Brooke, Severall Tenancie, and the old book of Entries, under this title.*

Entre.

ENtre is where a man cometh into any lands or tenements

be in his proper person,
after by his commande-

en son proper person, ou a-
scun autre per son command-
ment.

There be divers writs
which be in divers
manners: One is a writ of
sur disseisin, and this
lieth where a man is dis-
seised, he or his heire shall
have this writ against the
disseisor, or any other after
death of the land. And if

Auxy sont divers Briefes
de entre queux sont en dius
manners: Un est Briefe de En-
tre sur disseisin, & cest Briefe
gist lou home est disseise, il
ou son heire l'avaunt dit
Briefe avera vers mesme le dis-
seisor, ou ascun autre apres
Tenant del terre. Et si le dis-
seisor alien, ou devie seisie, don-
ques le Briefe de Entre serra
vers l'heire ovesq; l'alienee
en le Per, cest adire, en que
le tenant non habet ingressum
nisi p tiel, nosmeant le dis-
seisor, que luy avoyt disseise,
&c.

Disseisor alien, and die sets
then the writ of Entre
shall be against the heire with
alliance in the Per, viz. in
the Tenant hath no en-
try by such a one, naming
Disseisor, which him hath
disseised, &c.

Et si l'heire ou alienee de-
vie seisie, ou aliena al autre,
donq; le briefe serra en le Per
& Cui, cest adire, en que l'one
non habet ingressum nisi
per tiel (nosmeant le heire ou
le alienee del disseisor) cui
tiel (nosmeant le disseisor) il
dimisit, q luy per tort dissei-
se, &c.

And if the heire or alienee dye
or alieneth to another,
the writ shal be in the
Per & Cui, viz. into which
Tenant hath no entry but
by such a one, naming the heire
or alienor of the Disseisor, to
such a one (naming the
Disseisor) did let it, which by
him was disseised him, &c.

Et si fre soit convey ouster
al plours, ou si le primer dis-
seisor soit disseise, donques le
Brief d Entre serra en le Post,
cest adire, q le tenant non habet
ingressum nisi post disseisnam,
q le prim disseisor fait all
demandant, ou son Ancestor.
Veies apres Entre en le Per.

And if land be conveyed o-
ver to man, or if the first Dis-
seisor be disseised, then the writ
shall be in the Post, viz.
the Tenant hath no entry
after the disseisin, which the
Disseisor made to the de-
mandant or his Ancestor. See
Entre en le Per.

Entre in the Per, Cui,
and Post.

Entre en le Per, Cui,
& Post.

Writ of Entre in the Per,
lieth where a man is dis-

Briefe de Entre en le Per
gist lou home est disseise
T 2 de

The Exposition of

de son franktenement, & le disseisor alien, ou devie seiscie, & son heire entra, donques le disseisee ou son heyre avera le dit Brieve vers l'heyre le disseisor, ou vers l'alienee le disseisor, mes vinant le disseisour il poyt aver Assise si il voile, & le Brieve de Entre dirra, *In quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde cum injuste disseisivit, &c.* Mes si le disseisour alien, & l'Alienee devie seiscie, ou alien ouster a un auter, ou si le disseisour devie, a son heyre enira, & celuy heyre aliena ou devie, & son heyre entra, donques le disseisee ou son heyre avera Brieve D'entre sur disseisin en le *Per & Cui*, & le Brieve dirra, *In quod idem A. non habet ingressum nisi per B. cui. C. illud ei dimisit, & inde injuste, &c.*

Et nota bien, Que nul Brieve de entre en le *Per & Cui* serra mainteynable vers nulluy, mes lou il que est Tenant soit eins per purchase ou per discent: Mes si l'alienation ou discent soyre deven⁹ hors des degrees, sur quel nul Brieve poyt estre fait en le *Per*, ne en le *Per & Cui*. donqs serra fait en le *Post*, & l'bf dirra, *In quod A. non habet ingressum nisi post disseisinam, quam B. inde injuste, & sine iudicio fecit pref. N. vel M. proavo N. cuius heres ipse est.*

Auxy sont cinque choses q

seised of his freehold, Disseisor alieneth or devied, and his heire enter, the Disseisee or his heire have the said writ against the heire of the Disseisor, or the Alienee of the Disseisor, living the Disseisor, he may an Assise if he will, and the writ of Entry shall say, *In quod non habet ingressum nisi per qui illud ei dimisit, qui inde cum injuste disseisivit, &c.* But Disseisor alien, and the devisee seised, or alieneth to another, or if the Disseisor and his heire enter, and his heire alieneth or devise, or heire entereth, then the writ of Entry shall be writ of Entry sur disseisin the *Per and Cui*, and the writ shall say, *In quod idem A. habet ingressum nisi per B. C. illud ei dimisit, qui inde injuste, &c.*

And note well. The writ of Entry in the *Per & Cui* shall be maintainable against none, but when that is Tenant be in by purchase or discent: but if the alienation or discent be out of the degrees, upon which writ may be made in the *Per* or in the *Per and Cui*, it shall be made in the *Post*, and the writ shall say *In quod A. non habet ingressum nisi post disseisinam, quam B. inde injuste, & sine iudicio fecit pref. N. vel M. proavo N. cuius heres ipse est.*

Also there are five things

put the writ of *Entre*
of the degrees, viz. *In-*
succession, *Disseisin*
Disseisin, *Judgment*, and
ou *Escheat*.

Intrusion is when the
dieth seised, and an e-
stranger abareth.

Disseisin upon *Disseisin* is
when the *Disseisor* is disseised
another.

Succession is when the
Disseisor is a man of Religion,
dieth, or is deposed, and his
successor entreteth.

Judgment is when one re-
covereth against the *Disseisor*.

Escheat is when the *Dis-*
seisor dieth without heire, or
felony, whereby he is at-
tainted, by which the Lord en-
traeth in his *Escheat*.

In all those cases the *Dis-*
seisor or his heire shall not have
writ of *Entre* within the de-
grees of the *Per*, but in the *Post*.
That, that in those said cases
are not in by descent, nor
purchase.

Entre ad communem
Legem.

As there is a writ of *Entre*
ad communem Legem, and
where tenant for terme of
years, tenant for terme of anothers
years, tenant by the curtesie or te-
nant in dower, alieneth and dis-
seiseth he in the reversion shall
have the foresaid writ against
the disseisor in after in the
tenement.

mittont le Brieve de *entre*
hors des degrees, cest adire,
Intrusion, *Succession*, *Dissei-*
sin sur *disseisin*, *Judgement*,
ou *Escheat*.

1 *Intrusion* est qnt le dis-
seisor devie seisie, & un estran-
ger abara.

2 *Disseisin* sur *disseisin* est
qnt le disseisor est disseisie p
un autre.

3 *Succession* est lou le dis-
seisor est un home de Reli-
gion, & devie, ou est depose, &
son Succesor entra.

4 *Judgement* est quant un
recover vers le disseisor.

5 *Escheate* est quaut le
disseisor devie sans heire, ou
fait felonie, per que il est ar-
taint, per que le Seignieur
entra come en son *escheate*.

En tous ceux casles le dis-
seisee ou son heire navera
Brieve de *Entre* deins les de-
grees en le *Per*, mes en le *Post*,
p ceo q en ceux dits casles ils
ne sont eins p descent, ne per
purchase.

Entre ad communem
Legem.

Auxy il y ad un Brieve del
Entre ad communem le-
gem, & gist lou tenant a terme
de vie, tenant a terme d'auter
vie, tenant per le curtesie, ou
tenant en dower alien & de-
vie, donques celuy en le re-
version aua l' avantdit Brieve
devers quecunque q soit eins
apres en les dits tenements.

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Entre in casu proviso.

Auxy Brieſe de *Entre in casu proviso* gift, ſi tenant en dower alien en fee, ou pur terme de vie, ou pur autre vie, vivant le tenant en dower, celui en le reversion avera le Brieſe, appel Brieſe de *Entre in casu proviso*, & ceo eſt purview per leſtatute de Gloceſt. cap. 7.

Entre in casu conſimili.

Auxy Brieſe de *Entre in casu conſimili* gift, ſi tenant per terme de vie, ou tenant per la courteſie alien en fee, vivant eux celui en le reversion, avera un Brieſe, appel Brieſe de *Entre in conſimili casu*, & ceo eſt per leſtatute de Weſt. 2. cap. 24.

Entre ad terminum qui preterit.

Auxy Brieſe de *Entre ad terminum qui preterit* gift, ſi un home leſſa terres a un autre per terme de ans, & le tenant tient ouſter ſon terme, donques le Leſſor avera Brieſe que eſt appell Brieſe de *Entre ad terminum qui preterit*.

Et auxy ſi terres ſont leſſes a un home p terme d'auter vie, & ceſty p que vie les terres ſont leſſes devie, & le leſſee tient ouſter, donques le leſſor avera ceſt Brieſe.

Entre in the caſe provided.

Alſo a writ of *Entre in casu proviso* lyeth, if tenant dower alien in fee, or for life, or for anothers living the tenant in dower in the reversion ſhall have a writ called the writ of *Entre in casu proviso*, and this is provided by the Statute of Gloceſt. chap. 7.

Entre in casu conſimili.

Alſo a writ of *Entre in casu conſimili* lyeth, if tenant for terme of life, or tenant by curteſie alien in fee, living in the reversion, he ſhall have a writ, called a writ of *Entre in casu conſimili*, and this is by the Statute of Weſt. chap. 24.

Entre ad terminum qui preterit.

Alſo a writ of *Entre ad terminum qui preterit* lyeth, if a man leaſe land to another for terme of years, and the tenant hold over his terme, the Leſſor ſhall have a writ which is called a writ of *Entre ad terminum qui preterit*.

And alſo if lands be leaſed a man for terme of another mans life, and he for whoſe life the lands are leaſed dye, and the tenant holds over, then the Leſſor ſhall have this writ.

without assent of
the Chapter.

*Entre sine assensu
Capituli.*

A writ of *Entre sine assensu Capituli* lieth, wheres
Abbe, Prior, or such as
Covent or common seale,
lands or tenements of
right of his Church, with-
out the assent of the Covent
Chapter, and dieth, then
his Interloz shall have this
Brieft.

Auxy Brieft de *Entre sine assensu Capituli* gift lou an
Abbe, Priour, ou tiel que ad
Covent ou common seale, a-
liena terres ou tenements
del droyt de son Eglise,
sauns le assent del Covent
ou Chapter, & devie, don-
ques son succellor avera cest
Brieft.

Entre for marriage
in speech.

*Entre causam matrimonii
præloquuti.*

A writ of *Entre causa matrimonii præloquuti* ly-
eth where Lands or tenements
are given to a man upon such
condition, that hee shall take
it to his wife within a cer-
teine time, and hee doe not e-
spouse her within the said
time, or espouse another wo-
man, or make himselfe Priest,
or enter in Religion, or him-
selfe, so that he cannot take
it according to the said con-
dition, then the Donor and her
heires shall have the said writ
against him, or against who-
soever is in the said Land:
And also it behooveth, that
this condition bee made by
indenture, or otherwise this
writ doth not lye: and all these
other writs of *Entre* may
be made in the Per, Cui, and
Post.

Auxy Brieft de *Entre causa matrimonii præloquuti* gift
lou terres ou tenements sont
done a un home, sur tiel con-
dition, que il prendra le
Donour a sa feme deins cer-
teine temps, & il ne luy e-
spouse deins la dit temps, ou
espouse auter feme, ou luy
fayt Priestre, ou enter en
Religion, ou luy disable, il
sint que il ne puit luy pren-
der accordant a le dit con-
dition, donques la feme Do-
nour & ses heyres avera le
dit Brieft vers luy, ou vers
quecunque est eins en le dit
terre. Auxy il covient, q cest
condition soyt fayt per En-
denture, ou autrement cest
Brieft ne gift: & routs ceux
& auters Briefes de *entre*
poient este fait en le Per,
Cui, & Post.

Entrusion.

Entrusion.

Entrusion is a writ, and it
lieth where a Tenant for

Entrusion est un Brieft, &
gift lou Tenant a terme
de

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de vie & de vie seise de certaine terres ou tenements, & un estraunge entra, celuy en la reversion avera le dit Brieſe vers l'abator, ou vers quecunq̃ que ſoit eins apres leur entruſion.

Auxy un Brieſe de entruſion ſerra maintainable par le ſucceſſour deun Abbe vers l' Abator, que entre en aucun terres ou tenements, *Tempore vacationis*, que appent a la Eſgliſe, per Statute de *Marlebridge*, cap. ultimo.

Et il ſemble que le difference perentier un entrudor & un Abator eſt en ceo, que un Abator eſt celuy que entra en terres voyd per le mort d'un Tenant en fee, & un entrudor eſt celuy que entra en terres void per le mort d'un tenant p̃ terme de vie ou ans. Veies *F.N.B. fol. 203.*

Entruſion de gard.

Entruſion de gard eſt un Brieſe que giſt ou le heire deins age entra en ſes terres, & rient hors ſon Seignior, car en tiel caſe le Seignior navera le Brieſe de *communi Cuſtodia*, mes ceſt Brieſe de entruſion de Gard, Veiel *N. B. fol. 90.*

Equitie.

Equitie eſt un deux maners, divers moult l'un del autre, & ſont de contrarie eſfects, car l'un abridge, diminiſh, & tol le letter del Ley,

terme of life dyeth ſeiſed of raine lands or tenements, a ſtranger entreth, he in reversion ſhall have the laſt agaiſt the abator, or whomſoever that is in their intruſion.

Alſo a writ of Entry ſhall be maintainable by the ſucceſſor of an Abbot againſt an abator, which ſhall enter the lands or tenements in time of vacation that belong to the Church, by the ſtatute of *Marlebridge*, the Chapter.

And it ſeemeth the difference between an Intruder and an Abator is this, that an Abator is he that entreth into the land by the death of a Tenant in fee, and an Intruder is he that entreth into lands by the death of a Tenant for term of life or years. See *F.N.B. fol. 203.*

Entruſion de gard.

Entruſion de gard is a writ which lies where the heir within age entreth in his land and holds out his Lord, for ſuch caſe the Lord ſhall have the writ de *communi Cuſtodia*, but this writ of Entuſion of the ward, See *N.B. fol. 90.*

Equitie.

Equitie is in two ſorts, ſome bring much the one from the other, and are of contrary eſfects, for the one doth abridge, diminiſh, & take from the

the Law, the other doth in-
amplifie, & adde thereunto.
The first is thus defined,
is the correction of a
generally made in that part
herein it faileth, which cor-
rection of the generall wordes
much used in our Law. As
for example, when an Act of
Parliament is made, that who-
ever doth such a thing shall
be felon, & shall suffer death,
if it be a mad man, or an In-
fant of yong yeares that hath
no discretion doe the same, they
shall be no felons, nor suffer
death therefore.

Now if a Statute were made,
that all persons that shall re-
ceive, or give meate and drinke,
or other succour to any that shall
do such a thing, shall be accessary
to his offence, & shall suffer death,
if they did know of the fact, yet
withstanding one doth such
a thing, & commeth to his wife,
knowing therof doth receive
meate, and giveth him meate and
drinke, she shall not be acces-
sary, nor felon, for in the gene-
rallite of the said wordes of the
Law, he that is mad, nor the in-
fant, nor his wife were inclu-
ded in meaning.

And thus equity doth correct
the generalite of the Law in
these cases, & the generall wordes
are by equity abridged.

The other equity is defined
in this sort, 'Equity is when
the wordes of the Law are ef-
fectually directed, and one thing
is provided by the wordes of
the Law, to the end that all

l'auter enlarge, amplifie, &
adde a ceo.

Le premier est issint define,
*Equitas est correctio Legis
generatim lata qua parte de-
ficit*, le quel correction del
general parols est moult use
en nostre Ley. Sicomme par
exemple, Quant Act de Par-
liament est fait, quacunque
que fait tiel act, serra felon,
& serra mise el mort, un-
core si home de non sane me-
morie, ou enfant de tender
age, que nad discretion le fais,
ils ne serront felons, ne mise
al morte.

Auxy si estatute soit fait,
Que tous persons que re-
ceiveront, ou doneront maun-
ger ou boyer, ou auſ ayd a ce-
luy q'faisra tiel act, serront ac-
cessarie a son offence, & ser-
ront mise al morte, si ils co-
nusteront del fait, uncore l'un
fait tiel act, & veigne a sa pro-
per feme, que sciant ceo luy re-
ceive, & done maunger &
boyer a luy, il ne serra accessi-
rie, ne felon, car en le gene-
raltie d'les dits parols d'le Ley,
celuy de non sane memorie, ne
l'enfant, ne le feme fueront
enclude en entent.

Et issint equity correct le
generalite d'le Ley en ceux ca-
ses, & les parols generals sont
per equitie abridge.

L'auter equitie est define en
tiel manner, *Equitas est ver-
borum Legis directio efficiens,
cum una res solummodo Legis
cavetur verbis, & omnia alia
in equali genere, eisdem cave-*
antur

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autur verbis: & issint quant les parols enact un chose, ils enact tous choses que sont en semblables degrees, sicome le Statute que ordeigne, que en action de Det vers Executors, cestuy que viont per distresse respondera, extendra per l'equitie al Administratours, car cesty de eux que vient primes per distresse, respondera per equitie del dit act, *quia sunt in aquali genere*.

Issint le Statute de Gloucester done l'action de Waste, & le punishment de ceo vers cestuy que tient pur vie ou ans, & per l'equitie de ceo home avera action de Waste vers cestuy que tient forsque pur un an, ou demy an, & uncore ceo est hors del parols del estatute, car cestuy que tient forsque pur demy an, ou un an, ne tient pur ans, mes ceo est l'entent, & le parols quel enact l'un, per equitie enacteront l'auter.

Errant.

ERRant, id est, *Itinerans*, venust del parol Francoi Error, id est, *Errare*, ou d'l viciux parol *Erre*, id est, *Iter*. Et est appropriate as Justices que alont en circuit, & as Bailies a large, q pur ceo sont appelle Justices Errants & Bailies Errants, eo q ils alont & travaillent del un lieu al auter, lun p faire justice, & l'auter pur executor proces. Veies *Eyre*.

things of the like kind are provided by the same: & by the words enact one thing, enact all other things of like degree, as the Statute which ordaines, That in action of Debt against executors, he that doth appeare by attorney shall answer, both extend, & quitte to Administrators, such of them as doth appeare first by distresse, shall answer equity of the said act, because they are of the like kind.

So likewise the Statute of Gloucester gives the action of Waste, and the paine thereof against him that holds for life, & by the equity of the same a man shall have an action of Waste against him that holdeth but for one yeare or half a yeare, and yet this is without the words of the Statute for he that holdeth but half a yeare, or one yeare, doth not hold for yeares, but that is the meaning, and the law that enact the one, by equity enact the other.

Errant.

ERRant, id est, *Itinerans*, cometh of the French word Errer, id est, *Errare*, or of the word *Erre*, id est, *Iter*. It is appropriated unto Justices that goe circuit, and to Bailies a large, who are therefore called Justices Errants, & Bailies Errants, because they go & travaille from place to place, one to do Justice, & the other execute processe. See *Eyre*.

Erreur.

Errour is a fault in a judgement, as in the processe, or proceeding to judgment, or in the execution upon the same in a Court of Record, which in the Law is called a Nullitie. Also Errour is the name of a writ, & it lyeth where judgment is given in the common place, or before the Justice in Assise, or Oyer & Terminer, or before the Mayor & Sheriffes of London, or in other Court of Record, against the Law, or upon an untrue & wrong processe, then by this writ the party grieved against whom the judgment is given shall have this writ, & upon cause the Record & processe to be removed before the Justices of the Kings Bench, & if the error be found, it shall be reversed: But if an erroneous judgment be given in the Kings Bench, then it cannot be reversed but by Parliament, untill the Statute of 17. Eliz. cap. 8.

Also if such a default in judgment be given in a Court that is not of record, as in a County, Hundred, or in Court Baron, then the party shall have a writ of false judgment, for to make the record to come before a Justice of the Common place. Also if Error be found in the Chancery, it shall be redressed by the Chancelor and Treasurer, as it appeareth by the Statute of E. 3. an. 31. cap. 12. & 31. Eliz. cap. 1.

Error.

Error est un fault en un jugement, ou en le processe, ou proceeding al jugement, ou execution sur ceo en Court de Record, quel fault en le civill Ley est appel un Nullitie. Et auxy Error est le noisme d'un Briefe, & gist lou jugement est done en le common Banke, ou devant Justice in Assise, ou devant Justice de Oyer & Terminer, ou devant le Maior ou Viscount de Londres, ou en autre Court de Record contra le Ley, ou sur undue ou male processe, donques per cel Briefe, le parle grieve vers que le jugement est done avera cel Briefe, & per ceo causera le Recorde & Processe desirer remove avant les Justices de Banke le Roy, & la sil error soit trove, il serra reversa: Mes si erroneous judgement soit done en Banke le Roy, donques il ne poit estre reverse forsque per Parliament, tanque le Statute, 27. Eliz. cap. 8.

Auxy si tiel default soit en Judgement done en Court que nest de record, come en Countie, Hundred, ou Court Baron, donque le partie avera Briefe de faux judgement pur faire le record venir devant justice de common Banke. Auxy si Error soit trove en Leschequer, il serra redresse per le Chancelor & Treasurer, ut patet per Statute Ed. 3. an. 31. ca. 12. & 31. Eliz. cap. 1.

Escape

Escape.

Escape est lou un que est arrest deveigne a son libertie devant que il soit deliver pagard de ascun Justice, ou p order de Ley.

Escape est en dux sorts, viz. voluntary & negligent.

Voluntary Escape est qnt un arrest auter per Felonie, ou auter crime, & puis ce-luy en que custodie il soit, luy lesser aier lou il voit, cel lesser de luy aler est un voluntary escape.

Et si l' arrest de cesty que escape fuit pur Felonie, ceo serra dit Felony en cestuy que luy lesser d' escaper, & si pur treason, il serra treason en luy, & si pur un trespassse, donq trespassse, & sic de singulis.

Negligent escape est quant un est arrest, & puis escape encounter le volunt de cesty que luy arrest, & ne soit freshment pursue, & reprise devaunt que le pursuor peadra le view de luy, ceo serra dit negligent escape, non obstant que cesty hors de q possession il escape luy, reprist apres le view perdu. Auxy si un soit arrest, & puis escape, & est a son libertie, & cestuy en que garde il fuist luy reprise apres, & luy a mesme a le prison, uncore il est escape en luy.

Auxy si un Felon soit arrest per le Constable, & a mesme a le Gaole en le Countie, & le Gaoler ne voit luy receiver, & le Constable luy

Escape.

Escape is where one that is arrested commeth to liberty before that he be delivered by award of any Justice, or order of Law.

Escape is in two sorts, viz. is to say, voluntary & negligent.

Voluntary Escape is when one doth arrest another for felony, or other crime, and after hee in whose custody he is letteth him goe where he will, this letting him goe is voluntary Escape.

And if the arrest of him that escaped were for felony, that shall be felony in him that did suffer the Escape, and if treason, then it shall be treason in him, and if for trespassse, the trespassse, and so in all other.

Negligent Escape is when one is arrested, & after escape against the will of him that doth so arrest him, & is not truly pursued, and taken before the pursuer loseth the sight of him, this shall be said a negligent Escape, notwithstanding that he is out of whose possession he escaped, doe take him after he hath lost sight of him. Also if one be arrested, & after Escape, & is at liberty, and hee in whose custody he was, take him afterwards, & bring him to the Prison, this is an escape in him.

Also if a Felon be arrested by the Constable, and brought to the Gaole in the Countie, and the Gaoler will not receive him, and the Constable luy

the gaol, and the Gaoler also, so he escapeth, this is an escape the Gaoler, for that in case the Gaoler is bound to receive him by the hand of the Justice of Peace. But otherwise it is, if a common person arrest another upon suspicion of felony, there the Gaoler is not bound to receive him without a precept of some Justice of Peace. There is an escape also without arrest, as if a man be made in the day; and if he be not taken, then it is an escape, for the which the Gaoler where the murder was done shall be amerced.

And it is to be observed, that a man may be said to escape, notwithstanding that he remaineth continueth in Prison. And for this if a man be in Prison upon two executions at the suit of two severall men, and then the old Sheriffe delivers over this Prisoner to the new Sheriffe by Indenture, according to the usuall course, and in the said Indenture maketh no mention of one of the said executions, this omission shall be said an escape in Law presently, for which the old Sheriffe shall answer, although the execution was matter of Record, whereof the new Sheriffe might have taken notice. But otherwise it is where the old Sheriffe dyeth, for in such case it behooveth the new Sheriffe at his perill to take notice of all the executions that

demit, & le Gaoler auxy, & if sint il escape, cest est un escape en le Geoler, pur ceo q en tiel case le Gaoler est tenu de luy resceiver p le maine del Constable sans aucun precept de le Justice de Peace. Mes autrement est si un common person arrest auter pur suspicion de Felonie, la le Gaoler n'est tenu de luy resceiver sauns precept de aucun des Justices de Peace. Il y ad un escape auxy sauns arrest, come si murder soit fait en le jour, & le murderer ne soit prise, donque il est escape, pur que le Ville ou le murder soit fait ferra amercie.

Et est destre observe, Que home poit estre dit d'escaper nient obstant q il touts soits remaine en prison. Et pur ceo, si home soit en prison sur deux executione al suit de deux severall hōes, & donq's l'ancien Viscount deliver ouster cest prisoner al novel Viscount p Indenture, accordant al usual manner & en le dit Indenture ne fait aucun mention d'un des dits executions, cest omission ferra dit un escape en Ley immediatment, pur que le auncient Viscount respondera, nient obstant que l'execution soit matter de record, de que le novel Viscount puit aver prise notice. Mes autrement est lou l'ancien Viscount morust, car en tiel case covient al novel Viscount a son peril, de prender notice de touts les executions que

The Exposition of

que sont vers aucun person
que il trova en le Gaole:
Mes en le dit case ou le Vis-
count morust, & devant que
auter est fait, un que est en
execution enfreint le Gaole,
& depart a large, ceo est nul
escape, car quant un Viscount
morust, rours les prisoners
sont en le custodie del Ley,
tanque noyel Viscount soit
fait. Veies *Co. lib. 3. fo. 72.*

Si le Viscount sur un *Ca-
pias ad satisfaciendum* a luy
direct, fait returne, *Quod
cepit Corpus*, & uncore nad le
corps en Court al jour de le
retorne, le Plaintife poit
aver son Action vers le Vis-
count pur l' Escape, nient
obstant que le partie issint
prise soit en le Gaole. Veies
7. H. 4. 31. Br. 107.

Eschete.

ESchete est louun Tenaunt
en fee simple face Felonie,
p q il est pendue, ou abjure le
Realme, ou utlage de Felonie,
Murder, ou petit Treason, ou
si le Tenant morust sans heire
geñil ou special, donques le
Sñr de que le terre est tenu p
le Tenant, poit enter per voy
de escheat, ou si aucun auter
home enter, le Seignior avera
vers luy un brieve, appel brieve
de escheat, quel come semble
est derive del parol Francois
Eschien.

Escheator.

EScheator vient del dit parol
Eschete, & est le noime

are against any person that
findeth in the Gaole: For
the said case where the
body, and before that
is made, one that is in
execution breaketh the Gaole,
goeth at large, this is no escape
for when a Sheriffe dieth,
the prisoners are in the
body of the Law, until a
Sheriffe be made. See *Co.
lib. 3. fol. 72.*

If the Sheriffe upon a
Capias ad satisfaciendum to him
return, maketh returne, That
hath taken the body, and yet
not the body in Court at the
day of the returne, the Pla-
tiffe may have his Action
against the Sheriffe for the
escape, although that the party
taken be in the Gaole. See
H. 4. 11. Br. 107.

Eschete.

ESchete is where a Tenant
in fee simple doth die
for the which he is hanged
abjured the Realme, or be-
lawed of Felony, Murder, or
petit Treason, or if the Ten-
ant dye without heire general
or speciall, then the Lord of
the Tenant heid the land
enter by way of Escheat, or
any other enter, the Lord
hath against him a writ, call-
ed a writ of Escheat, which as
I thinke, is derived of the
word Escheine.

Escheator.

EScheator cometh from the
said word Escheat, and is

of an Officer that ob-
tains the Escheats of the
County whereof
he is Escheator, and certifieth
into the Exchequer. This
Officer is appointed by the
Treasurer, and by Letters
Patents from him, & continu-
eth in his office but one yeare,
after can any be Escheator
more in thre yeares, An. 1. H.
cap. 8. and An. 3. ejusdem, cap. 2.
The more of this Officer and
his authority in Cromptons Ju-
stice of Peace. An. 21. Ed. 1.
The forme of the Oath of the
Escheator is in the Regist. orig.
fo. 201. b. And the Escheator
is an Officer of record, & may
be an under Escheator, as
a Justice may an under
Justice, yet the Escheator can-
not continue any office by vertue
of his office, but he shall be pun-
ished: *De F. N. B. 100. Offic'*
Escheatoris est the Escheatorship;
Reg. orig. fol. 259.

Exchequer.

Exchequer, Scaccarium, com-
eth of the French word
Eschequier, id est, Abacus, which
signification is taken for
Counting Table, or for the
art of skill of Counting. And
whence (as some think) the
Court of the receipts
of the Crown is called the Ex-
chequer. Others have other-
wise derived the name. But the
Exchequer is defined by Ma-
ster Crompton in his Jurisdi-
ction of Courts, fol. 105. to be

del Officer que regarda les
Escheates del roy en l' Coun-
te de que il est Escheator, &
certifia eux en le Eschequer.
Cest Officer est designe per
le Seignieur Treasurer, & per
Letters Patents de luy, &
continua en son office forsq;
un an, neque poyt aucun estre
Escheatour forsqut un foyts
en troys ans, *Anno. 1. Hen. 8.*
cap. 8. & an. 3. ejusdem cap. 2.
Veies plus de cest Officer &
son authority, en *Cromptons*
Justice de Peace. Veies An. 21.
Ed. 1. Le forme del Serement
del Escheator veies en l' Reg.
orig. fo. 201. b. Et l' escheator
est un Officer de record, &
puit ordein un south escheat,
come le Vise' poit un south
Vise', une' l' escheatorne pu-
it returne aucun office virtute
officii, mes il serra punie. Veies
F. N. B. fo. 100. Officium Es-
caetria est l' escheatorship.
Reg. orig. fo. 259.

Eschequer.

ESchequer, Scaccarium, ve-
nust del parol Francots
Eschequier, id est, Abacus, que
en un signification est prise
pur un Counting Table, ou p
l' art ou science del Compter.
Et de ceo (come aucuns pen-
soient) le lieu ou Court des
receits ou accounts des reve-
newes del Corone est appol
l' Eschequer. Auters ont au-
terment derive le nosme de
ceo. Mes l' eschequer est define
per M. Crompton en son *Juris-*
dictio des Courts, fol. 105.
destre

The Exposition of

destre un Court del record, en que tous les causes que concerne les reueuues: l' Corone sont traictés.

Esneey.

E Sney é un immunitie done al plus eigne coparcefi de eslie prisonier puis l'inheritance est diuide, *Flet. l. 5. ca. 10.*

Escuage.

E Scuage est appel en Latine *Scutagium*, cest adire, *seruitium Scuti*, & cesty que tient per escuage, tient per service de Chival, & a ceo appent Gard, Marriage, & Reliefe: mes ceo serra intend d'escuage non certaine, quant l'escuage courage per tout engleterre, quant est ordeine per tout le Councel d'engleterre, que apres les guerres, chescun Seignior aua certaine somme de son Tenaunt que ne fuyt en le dit guerre. Mes si le Tenaunt que tient d'aucun Seignior per escuage, soit que le Roy en ses Guerres en escors, & le Seignior voit distreine luy par escuage, il sera bon plee adire, que il fuyt ove le Roy en Escote en le guerre, & ceo serra trie per le Marshall le Roy.

Et nota bien, Que home ne poyt tener per escuage, si non que il reigu per homage, per ceo que escuage de common droyt treyte a luy homage, come il fuyt adjudge e Term. *H. 21. Edw. 3. cap. 42. fol. 52. Avowrie 115.* Et nota bien,

a Court of Record, all causes touching the newes of the Crowne are tried.

Esneey.

E Sney is a privilege given the eldest coparcener to the first after the Inheritance is divided, *Flet. lib. 5. cap. 10.*

Escuage.

E Scuage is called in Latine *Scutagium*, that is, *seruitium Scuti*, and he that by Escuage, holds by knight service, and to that belong ward, marriage, and relief: that shall be intended of Escuage not certain: when the Escuage runnes through England, when it is ordained by all the Councell of England, that after the warre every knight shall have a certain summe of his Tenant which was in the said warre, but if the Tenant which holdeth of any knight by Escuage, be with the knight in his warres in Scotland, his Lord will distraine him by Escuage, it shall be a good plea to say, he was with the knight in Scotland in his warre, that shall be tried by the Marshall.

And note well, That a knight may not hold by Escuage, unless he hold by homage: that Escuage of common droyt oweth to him homage, was adjudged in Term. *21. Edw. 3. chap. 42. fol. 52. Avowrie 115.* And note

that Esuage is a certaine
summe of money, and it ought
to be paid by the Lord of his
tenement, after the quantity of
the land. When Esuage run-
neth through all England. And
it is ordained by all the Coun-
tyes of England, how much
Esuage shall give to his
lord, and that is properly to
maintain the wars betweene
England and them of Scot-
land, of Wales, and not be-
tween other lands. For that that
the aforesaid lands should be
right belonging to the
Crown of England, See Lit.
cap. 3.

Esplees.

Esplees is as it were the sei-
son possession of a thing,
as of commodity that is to
be taken as of a Common, the
Esplees is the taking of the
common by the mouthes
of the Beasts that common
are: Of an Adowson, the
taking of grosse tythes by the
Parson presented thereto: Of
the selling of wood: Of
an Orchard, the selling of ap-
ples and other fruit growing
there: Of a Mill, the taking of
the mill is the Esplees, and of such
like. And note that in a writ of
right of land or adowson, or
such like, the Demandant
ought to alledge in his Count,
that he or his Ancestors
have the Esplees of the thing
in demand or other wise, the
writ is not good.

Que Esuage est vn certeyne
summe de Argent, & doyt
estre louie per le Seignior de
ses tenants, selonque l' quan-
tite de son tenure, quants
l' Esuage courage per tout
Engleterre. Et ordeigne est per
tout le Councel D'engleterre,
quant chescun tenant doia a
son Sfir, & ceo est properment
pur susteyner le guerre per-
tenter Engleterre, & ceux de Es-
coce, ou de Gales, & non pas
perent oufs tres, par ceo que
les auantdit terres serront de
droyt appendant a le Realme
D'engleterre. Vide Lit. lib. 3,
cap. 3.

Esplees.

Esplees est sicome l' seysin,
ou possession d'un chose,
pht, ou commoditie que est a
prendre, cõe d'un Cõmon, les
Esplees est l' prendre d' la grasse
ou common p les bouches de
les Beasts q common la: Dun
Aduowson, le prend' de gros
ismes per le Parson present
al ceo: De boys, le vnder de
boys: Dun Orchard, le ven-
der de pomes & auters fruits
cressant la: Dun Molin, le
prisel de rolle est les Esplees,
& de tiels semblables. Et
nota, que en Brieve de droyt
de terre ou aduowson, ou ti-
els semblables, le Deman-
dant doit alleadge in son
Count, que il ou les Aunce-
stors prise les Esplees d chose
en demand ou autrement, le
count nest bon.

The Exposition of

Essendi quietum de Tolonio.

Essendi quietum de Tolonio est un Briefe destre quit d' Tolle, & gist en case ou les Citizens ou Burgesles de a-
scun Citie. ou Borough ount
esté quit de Tolle per Graunt
des Progenitours del Roy per
tout le Royalme, ou per Pre-
scription, donq si ils des dits
Cities, ou a-
scun home des
dits Cities or Boroughs, veig-
nont oue les Merchandises a
a-
scun Ville, Fayre, ou Mar-
ket, & la eux mitt' a vender,
on achatont a-
scuns Merchandises, si les Officers del dit
Ville voile demaunder a-
scun Tolle de luy encountr' l' Char-
ter le Roy, ou encounter le
Vlage & Custome, donque il
puit suer & aver tiel Briefe,
F. N. B. fol. 226. Regist. Orig. fol. 258.

Essoine.

Essoine est lou vn Action
est Port, & le Plaintife ou
Defendaunt ne poyt byen ap-
pea- al iouren Court p vn de
cinq causes desouth expresse,
donques il serra esloyne de
sauer son default.

Nota, Que sont cinque
maners de Essoins, cest adire,
Essoine de ouster le mere, &
per ceo le Defendaunt auera
iour per xl. iours. Le second
Essoine est *De terra sancta*,
& sur ceo le Defendaunt auera
iour per un an & vn iour, &
les deux seront gist al com-

Essendi quietum de Tolonio.

Essendi quietum de Tolonia
a writ to be quit of
andlyeth in Case where
citizens or Burgesles of
tyor Borough haue bin
red of Toll by the
Kings Progenitours
ont the whole Realme,
Prescription, then they
said Citites, or any man
said Citites or Boroughs
with his Merchandises
ny Towne, faire, or
and there put them to
buy any Merchandise,
the Officers of the said
will demand any Toll
against the Kings
or against the
Custom, then he may
and haue such a
N. B. fol. 226. Regist. Orig. fol. 258.

Essoine.

Essoine is when an Action
brought, and the Plaintiff
or Defendant may not
peare at the day in Court
one of the five causes under-
cited, then he shall be
saue his default.

Note, That there is
manner of Essoins, viz.
some De ouster le mere, &
by that the Defendant shall
a day by xl. dayes. The
Essoine De terra sancta
vpon this the Defendant
haue a day by a yere and
and these twaine shall be

beginning of the Plee. The
Essoine is De male vener,
that shall be adjourned to
common day, as the Action
require, and this is called the
Essoine, and when,
this Essoine shall be,
the Statutes, and the
enactment of Statutes, where
it shall be declared. And the 4.
Essoine is, De malo lecti, and
this is only in a writ of Right,
whereupon there shall a
return goe out of the Chance:
directed to the Sheriffe, that
he send foure Knights to
the Tenant to see the Tenant,
if he be sicke, to giue a day
more and a day. Also the
Essoine is De service del
Roy, and it lyeth in all Actions,
except in Writ De Novel Dis-
seisin, Writ of Dower, Dar-
reine presentment, and appeale
Murder, but in this Essoine
the Tenant sheweth at the day to the
Garrant, or else it shall
be into a default, if it be
in real, or else he shall lose
the journey, or more,
at the discretion of the Justice,
if it be in a plee Personall,
it sheweth by the Statute
Glocest. cap. 8.

Essoino de malo lecti.

Essoino de malo lecti is a writ
directed to a Sheriffe, for
the sending of foure lawfull
Knights to view one that hath
taken himselfe De malo lecti,
Orig. fo. 8. b.

commencement, del Plee. Le
tierce Essoine est De male ve-
ner, & ceo serra adiourne al
common iour, come Action
require, & appel le commori
Essoine, & quant, & coment
cest Essoines serra: veies les
Statutes, & lieure de *Abridge-
ment de Statutes*, lou il est bñ
declare. Auxy le 4. Essoine
est De malo lecti, & ceo est le-
ment en Brieve de Droit, &
sur ceo issira Brieve hors del
Chancerie, direct al Vis-
count, que il maundera quat
Chiualers, al Tenant de veiet
le Tenant, & si il soit malady,
de don a luy iour aps vn an
& vn iour. Auxy le 5. Essoine
est De service del Roy, & giff
en tous Actions forsque en
Assise De Novel Disseisin,
Brieve de Dower, Darreine
presentment, & en appeale de
Murder, mies en cest Essoine
il couient al iour de monstre
son Garrant, ou auterment il
turnera a un default, sil soit
en plee real, ou auterment il
perdera xx.s. pur le journey,
ou plus, per le discretion del
Justice, sil soit en plee perso-
nel, vt patet per le Statute de
Glocest. cap. 8.

Essoino de malo lecto.

Essoino de malo lecto est un
Brieve direct al Viscount,
pur le mirt d' quat Royal Chi-
ualers a veyer vnque ad essoin
luy mesme De malo lecti. Reg.
Orig. fol. 8. b.

The Explication of

Establishment de Dower.

Establishment de Dower sem-
ble destre l' assurance de
dower fait per le Baron ou
ses amies, d'uant ou al temps
del espousels; & assignement
de dower est le mittant ceo
hors per le heire ap's, accordt
al establishment, *Brit. cap.*
102. 103.

Estandard.

Estandard ou Standard im-
plia vn Ensigne é l' guerre,
mes il est auxy vse p' le prin
ou ceraine measure del Roy,
proportion de que tous les
mesures per le terre deuoi-
ent estre fait per le Clerke
del Market, Anlacecor, ou
ané Officer, accordant a leur
function.

Car il fuit establie p' l' Sta-
tue de *Magna Charta, Ann. 9.*
H. 3. cap. 25. que la serroit for-
que vn assise de poys & mea-
sures per tout le Royalme,
le quel est iammes confirme p'
An. 14. Ed. 3. cap. 12. & plusors
aüs Statutes, cõe auxy q' tous
serroyent fayt al Estandard,
seale oue le seale le Roy.

Et bone cause la est, que il
serroit appel Estandard, pur
ceo que il estoia constant &
immoue, & ad tous auters
measures vient a icel p' leur
conformitie, en mesme le ma-
ner come soldiors, é le champ
ont leur Estandard ou Colors
pur leur direction en leur
March ou Battel. De eux E-

Establishment de Dower.

Establishment de Dower
meth to be the assurance
dower made by the husband
his friends, before or at the
of the marriage; and assign-
ment of dower is the letting
out by the heire after death,
cording to the establishment.
Brit. ca. 102. 103.

Estandard.

EStandard or Standard
meth an ensigne in war,
is also used for the principal
standing measure of the land,
the proportion whereof all
measures through the land
and ought to be taken by the
Clerk of the Market, the
Judge, or other Officer, according
to their function.

For it was established by
Statute of *Magna charta, Ann.*
H. 3. c. 25. that there should be
one scanning of weights and
measures through all the land,
the which is since confirmed by
An. 14. Ed. 3. ca. 12. and by
other Statutes, as also that
there should be a standard
ard, sealed with the Kings
seal.

And there is good reason
it should be called a Standard,
because it stands constant
immovable, and hath all
measures coming from it
for their conformity, as
soldiers in the field have
Standard or Colours for their
direction in their March
Shirish. Of these

and Measures, read Brit.
cap. 30.

standards & Measures, lies
Brit. cap. 30.

Estate.

Estate.

is that title or interest
that a man hath in lands
tenements, as estate simple,
estate called Fee simple,
estate conditionall, or upon
condition, which is either up-
on condition in deed, or upon
condition in Law. See Little-
ton, lib. 3. cap. 5.

Estate est cel title ou inte-
rest que home ad en fies
ou tenements, come estate
simple, auterment appel Fee
simple, & estate conditionall,
ou sur condition, que est ou
sur condition en fait, ou sur
condition en Ley. Veies Lit.
lib. 3. cap. 5.

Estoppel.

Estoppel.

is when one is con-
strained, and forbidden in Law
to say against his owne ac-
tion, yet, though it be to say
truth.

Estoppel est quant vn est
conclude & denie en Ley
d parler encounter son act ou
fait dem, nient obstant il soit
p dire le veridie.

Of Estoppels there are
many: One for exam-
ple, when I. S. is bound
Obligation by the name of
T. S. or any other name, and
afterward according to
the name in the Obligation,
he is to say, T. S. now he
cannot be received to say, that
he is named, but shall be dri-
ven to answer according to the
name put in the Obligation.
Thus to say, T. S. for perad-
venture the Obligee did not
say his name, but by the re-
sistance of the Obligor himselfe,
inasmuch as he is the same
man that was bound, hee shall
be estopped, and forbidden in
Law to say contrary to his
owne word, or otherwise hee
shall take advantage of his
owne wrong, which the Law
will not suffer a man to doe.

Et de Estoppels il y ad vn
grand number: Vn p example
est, quant I. S. est oblige en
vn Obligation per le nosme
de T. S. ou ascun auter nosme,
& est sue apres accordant al
mesme le nosme mis en l' Ob-
ligation, cest adire, T. S. ore
il ne serra receiue adire, que
il est misnosme, mes serra
chase a responder accorde al
nosme mis en l' Obligation,
cest adire, T. S. car peraduen-
ture Loblige ne scauoit pas
son nosme, mes per le report
tantselement del Obligor
mesm, & entant q il est mesm
le home que fuit oblige, il
serra estoppe, & denie en Ley,
pur adire le contrarie encoun-
ter son fait demesne, car autermt
il poit prend' aduantage d son
tort demesne, le quel le Ley ne
voit suffer vn home de fair.

The Exposition of

Auxy si le file que est
heire a son pere, voit suer li-
nerie oue sa soer que est vn
Bastard, el ne setra apres re-
ceiue pur dire que sa soer est
vn Bastard, entant que si la
Bastard soer prist le moitie
del terre oue luy, il nad reme-
die per le Ley.

Auxy si vn home seise de
terre en fee simple, voit pren-
der vn lease pur ans de m le
terre de vn estraunger per fait
indent, cest vn estoppel du-
rant le terme de ans, & le les-
see est per ceo barre adire le
veritie, car l' veritie est, Que
il que lessa le terre nad riens
en ceo al temps le lease faire,
& que le fee simple fuit en
luy que prist le lease: Mes
ceo il ne serra receiue adire
tanque apres les ans serra de-
termine, pur ceo que il appi-
ert que il ad estate pur ans,
& il fuit son folly de pren-
der vn lease de ses terres de-
meine, & pur ceo serra issint
punic pur son folly.

Estovers.

Estovers sont nutriment ou
maintenance: Et issint
Bract. lib. 3. Tract. 2. cap. 18.
num. 2. ceo usa pur tiel nutri-
ment q home attach pur Felon-
ie, est d' auer hors de ses ter-
res ou biens pur luy meisme &
son family durant son dures.
Et le Statute de 6. Ed. 1. c. 3. ceo
usa pur vn allowance en vi-
ands ou panne. Il est auxy y.e
pur certaine allowances de
boys destre prise hors del boys

Also if the daughter
an heire to her father,
linery with her bastard
Bastard, shee shall not
ward be receiued to say
that if her Bastard sister
haile the land with her,
no remedy by the Law.

Also if a men seised of
in fee simple, will take a
for years of the same land
stranger by deed indenture,
is an estoppel during the
of years, and the lessee is
by barred to say the truth
the truth is, That he that
sed the land had nothing
at the time of the lease
and that the fee simple
him that did take the lease.
this hee shall not be receiued
say till after the years
determined, because it ap-
ereth that hee hath an estate
years, and it was his to
take a lease of his owne
and therefore shall thus be
mised for his folly.

Estovers.

Estovers are nourishment
maintenance: And
Bract. lib. 3. Tract. 2. c. 18.
used it for such sustenance
man taken for felony
have forth of his lands
for himselfe and his family
ring his imprisonment.
Statute of 6. Ed. 1. c. 3.
this for allowance in
or cloth. It is also
certain allowance
be taken forth

wood; so it is used
1. cap. 15. Anno 13. Edw. 1.
2. tit. Fines, sect. 26.
That the name of *Esto-*
containeth house-boote,
boote, and plow-boote,
the hath in his Grant these
small words, Of reasonable
bores in the woods, &c. hee
thereby claime those thre.

Estrangers.

Estrangers are sometime ta-
ken they that are not par-
ties or privies to the leuying
of a fine, or making of a deed:
sometimes they that be bozne
and the sea.

Estray.

Estray is where any beast or
cattell is in my Lordship, and
we knoweth the owner there-
of, then it shall be seised to the
use of the King, or of the Lord
that hath such Estray by the
grant, or by prescription:
if the owner come and make
claim thereto within a yeere
and a day, then he shall have
the same, or else after the yeere
and day the property thereof shall be to
the Lord, so that the Lord
make proclamation thereof ac-
cording to the Law.

Estreat.

Estreat is a figure or resem-
blance, and is commonly
used for the Copy or true note
of an Originall writing, as
of Amerciements im-
posed on the rolls of a Court
to be leved by the Bayliffe

dun auter home, issint il est
use *West. 2. cap. 15. Anno 13.*
Edw. 1. M. West. part. 2. tit.
Fines, sec. 26. dit, Quel' nosm
q' Estouers conteigne house-
bore, hey-bore, & carue-bore,
cōe sil ad en son Graunt ceux
general parolx, Derationabili
Estoueria in boscu, &c. il poit
per ceo claime ceux trois.

Estrangers.

Estrangers sont ascun foits
prise, ils que ne sont par-
ties ne priuies al fine leuie,
ou fessans de vn fait: ascuns
foits ils que sont nee ouster
le mere.

Estray.

Estray est lou ascun beast
ou cattel est en ascun Seig-
norie, & nul conust l'owner
de ceo, donques ceo serra seise
al oeps le Roy, ou de le Seig-
niour que ad tiel Estray per
graunt le Roy, ou p prescrip-
tion, & si l'owner vient &
fait claime a ceo deins an &
iour, donques il ceo reau-
ra, ou autrement apres le
an le propertie de ceo ser-
ra al Seignior, issint que le
Sñr face proclamation de c'
accordant a le Ley.

Estreat.

EStreat est vn embleame ou
resemblance, & est com-
munement vse pur le Coppie
ou voier note d'un Original
escripture, come Estreates de
Amerciements impose en les
rolles d'un Court destre levie
per

The Exposition of

per le Reeue ou autre Officer
de chescun hōe pur son peche.
Vels. F. N. B. 27. & 76. Et
issint il est vse en Westm. 2.
ca. 2. An. 13, Edw. 1.

Estrepmēt.

EStrepmēt, est vn Briefe, &
gist lou vn est emplede
per vn *Præcipe quod reddat*
pur certaine terre, si le De-
mandant suppose que le
Tenaunt voile fayre wast
pendaunt le plee, il auera
vers luy cest Briefe que est
vn phibition, luy commaun-
dant que il ne face wast pen-
dant le plee.

Et cest Briefe gist proper-
ment lou vn home demande
terre per *Farmedon*, ou Briefe
de droit, ou tiels Briefes lou
il ne recouer dammage, car
en tiels Briefes lou il reco-
nera dammages, il auera ses
dammages, ayant regard al
wast fait.

Estate probanda.

ETate probanda est vn Briefe
de office, & gist pur le
heire le Tenaunt que tient
del Roy en capite, pur pro-
uer que il est de plein age,
direct all Viscount pur inquir-
er de son age, & donques
il deuendra Tenaunt al Roy
p mesme les services que son
Ancestors fist al Roy: Mes il
est dit, q̄ chesc' q̄ passer ē cest
enquest ferra del age de xlii.
ans al meins, issint q̄ le fuit d'
pleine age al temps q̄t cestuy
q̄ fust le Briefe fust nee,

or some other Officer of
man for his offence. See
N.B. 75. & 76. And he is
sed in Westm. 2. cap.
no 13. Edw. 1.

Estrepmēt.

EStrepmēt is a Briefe
it lyeth where one is
pleaded by a *Præcipe quod*
at for certaine land, if the
mandant suppose that the
nant will doe waste during
the plee, he shall haue against
him this Writ: which is a
phibition, commaunding
that he doe no waste during
the plee.

And this writ lyeth proper-
ly where a man demandeth land
by *Farmedon*, or writ of right,
or such writs where he shall
recouer damages: for in
writs where he shall recouer
damages, he shall haue
damages, having regard
to the waste done.

Estate probanda.

ETate probanda is a writ
of office, and it lyeth in
heire of the Tenant that holds
the King in chiefe, for to prou-
e that he is of full age, as
to the Sheriffe to inquire of
age, and then he shall be
tenant to the King by the
services that his Ancestors
made to the King: But it is
that every one that shall
this enquest, shall be of
of xlii. yeares at least, so
was of full age when he
first the writ was becom-

Exaction.

Exaction is a wrong done by an Officer, or by one pretending to have authority, in demanding or taking any reward or fee for that matter, notwithstanding for which the law doth not any fee at all.

And it seemeth that the difference between **Exaction** and **Extortion** is in this, That **Exaction** is where an Officer demandeth and receiveth a greater summe or reward than his office: And **Exaction** is where an Officer or other man demandeth and receiveth a fee or reward, where no fee or reward is due at all. See after, **Extortion**.

Exception.

Exception is a barre or stay in an Action, and is divided into exception dilatorie and peremptory: Of these two see *Edon. li. 5. Tract. 5. And Brit. cap. 91. 92.*

Excommungement.

Excommungement is to say in Latine *Excommunicatio*, and is where a man by the judgement of a Court Christian is excommunicated, then he is disabled to sue any Action in the Court, and if he remaine excommunicate xl. dayes, and is not justified by his Oath, then the Bishop shall send a Letter Patent to the Chancellor to certifye this **Excommunication** or contempt,

Exaction.

Exaction est vn tort fait par vn Officer, ou p vn pretendan d auer authoritie, en demandant ou predaunt ascun reward ou fee pur cel matter, cause, ou chose pur q le ley ne pas allowa ascun manner fee.

Et semble que le difference perenter **Exaction** & **Extortion** est en ceo, Que **Extortion** est lou vn Officer d maunda & extorta vn greinder somme ou reward que son voier fee: Et **Exaction** est lou vn Officer ou auter home demanda & vrger vn fee ou reward, lou nul manner de fee ou reward est due. Veies puis, **Extortion**.

Exception.

Exception est vn barre ou stoppe a vn action, & est diuide en exception dilatorie & pemptorie: De ceux amb. deux veies *Bract. li. 5. Tract. 5. & Brit. cap. 91. 92.*

Excommungement.

Excommungement est adire en Latine *Excommunicatio*, & est lou vn home per la judgemet en Court Christian est Excommunge, donqs il est disable de suer ascun Action e Court le Roy, & fil remaine Excommunge xl. iours, & ne voile este iustifie per son Ordinarie, donques le Euesque mandera son Letter al Chauncellour de certifier le **Excommunication** ou contempt,

tempt, & sur ceo serra com-
maund al Viscount de prendre
le corps l' excommenge per
vn Brieſe appel *De Excommu-
nicato capiendo*, ielque il ad
fait gree al ſaint Eſgliſe pur
le contempt & tort, & quant
il eſt juſtifie, & ad fait gree,
donque Leueſque maunde-
ra ſes Letters al Roy, certi-
fiant ceo, & donques serra
maunde al Viſcount de luy
deliuer per vn Brieſe ap-
pel *Excommunicato delibe-
rando*. Veies le Statute 5. *El.*
cap. 23.

Exchange.

EXchange eſt lou vn home
eſt ſeiſie de certaine terre,
& vn auter home eſt ſeiſie de
auter terre, ſi ils per vn fait in-
dent, ou ſans fait, ſi le ſres ſont
en vn Countie, exchange leur
terres, iſſint que cheſcun d' eux
auera auters terres a luy iſſint
exchange en fee, en fee taile,
ou a terme de vie, ceo eſt ap-
pel vn exchange, & eſt bone
ſauns liuery & ſeiſin.

Auxy en exchange il co-
uient que les eſtates a eux
limit per l' exchange ſont
egalles, car ſi vn aueroit
eſtat en fee en ſa terre, &
l'auter aueroit eſtat en auter
terre forſque pur terme de vie
ou en taile, donques tiel Ex-
change eſt void, mes ſi les e-
ſtates ſont egal, & les terres ne
ſont d' egal value, vncore l'ex-
change eſt bon. Auxy vn Ex-
change d' rent pur tre eſt bon.
Auxy Exchange inter Rent &

and thereupon it ſhall be
maunded to the Sheriffe to
the body of him that is ſei-
ſed, by a writt called *De Ex-
communicato capiendo*, till he
made agreemēt to help
for the contempt and
and when he is juſtified
hath made agreement, then
Biſhop ſhall ſend his Letters
to the King, certifying the ſame
and then it ſhall be com-
maunded to the Sheriffe to deliuer him
a writt called, *De Excommu-
nicato deliberando*. See the Sta-
tute 5. *Eliz. cap. 23.*

Exchange.

EXchange is where a man
ſeiſed of certaine land, and
another man is ſeiſed of other
land, if they by a deed indented,
or without deed, if the lands be
in one Countie, exchange their
lands, ſo that euery of them
ſhall have other lands to be
ſo exchanged in fee, fee taile,
for terme of life, that is called
an Exchange, and is good with-
out liuery and ſeiſin.

And in Exchange it be-
cometh that the eſtates to be
limited by the Exchange be
egall, for if one ſhould have
an eſtat in fee in his land, and
the other ſhould have eſtat in
the other land but for terme
of life, or in taile, then ſuch Ex-
change is voyd, but if the e-
ſtates be egall, and the lands
be not of egall value, yet the
Exchange is good. Also Ex-
change of rent for land is good.
Also an Exchange between

and Common is good, that ought to bee by deed. howmuch alway, that Exchange bee in the title nothing passeth by deed, except that he haue it by deed.

Execution.

Execution is where iudgment is plaen in any Action, that the Plaintife shall recouer the debt, or dammages, as the law is, and when any writ is awarded to put him in possession, or to doe any other thing, whereby the Plaintife should better be satisfied his debt or dammages, that is called a writ of Execution, & when he hath possession of the land, or is paid of the debt or dammages, or hath the body of the Defendant awarded to prison, then he is in Execution, and if the Plea be in the County, or Court Baron, or Hundred, and they defer the Execution of the iudgement until the day of the party, or other day, then the Demandant shall haue a writ of Executione. Note, that in a writ of Execution a man shall not haue recovery of any lands, but of them which the Defendant hath the day of the iudgement yielded. And of chattels, a man shall haue Execution onely of the chattels which he hath the day of the Execution sued.

Exccutor.

Exccutor is when a man maketh his Testament and

Common est bone, & ceo conuient este per fait. Auxy il conuient tous faits, que cest parol Exchange soit en le fait, ou autrement rien passa per le fait, sinon que il aiet liuerie & feisin.

Execution.

Execution est lou iudgment est done en ascun Action que le Plaintife recouera la terre, le det, ou dammages, cō le case est, & quant ascun Briefe est agard de luy mitter en possession, ou de fayre ascun chose, per que le Plaintife serra le mieux satisfe son det ou dammages, ceo est appel Briefe de Execution, & quānt il ad le possession de la terre, ou est pay de det ou dammages, ou ad le corps le Dēfendant agard al prison, donques il ad execution, & si le Plea soit en County, ou Court Baron, ou Hundred, & ils delaient le Execution del iudgment en fauour de party, ou pur auē encheason, donq's le Demandant auera Briefe de *Executione Iudicii*, Nota, que en Briefe de debt, home nauera recouerie de nul terre, mes de ceux que le Defendant auoyt iour de iudgement rendue. Et de chateux, home auera Execution solement des chateux queux il auoit iour d'Execution sue.

Exccutor.

Exccutor est quant vn home fait son Testament & darreins

The Exposition of

reine Volunt, & en ceo nomine la person que executera son Testament, & doncue ceuy que est esline noime est son Executor, & est a tant en lo Ciuil Ley come *Heres designatus* vel *Testamentarius*, come al det, biens, & chatels son Testator, & tiel Eexecutor aura une Action vers chescun debtor de son Testator, & si l'Executors ont assets, chescun a que le Testatour fuit indebt, aua action vers l'executor, sil ad obligation ou especialtie, mes en chescun case lou le Testator puisset gager son Ley, nul Action gist vers Eexecutor. Veies plus de ceo deuant titulo *Administrators*.

Exemplification.

Exemplification est ou home voile auer ascun original Record transcript & exemplifie hors del Court lou il remaine, a quel purpose il poit auer vn Briefe, come appiert p le *Regist. Orig. fol. 190.*

Et si home voile pleader vn record en auf Court que ceo lou il remaine, il couient a luy de auer cel Record exemplifie south le grand Seale D'engleterre, sil soit denie, car doyt venir en le Chancellerie per *Certiorare*, & la de se exemplifie south le grand Seale, car sil soit exemplifie south le Seale de common banke ou del Excheqr, ou tiels semblables, ceo ne seruera, forsque en euidence al Iurie. Veies *Co. lib. 5. fol. 53.*

last Will, and therein named the person that shall execute the Testament, then he that is named is his Executor, as much in the Civil Law as *Heres designatus*, or *Testamentarius*, as to debts, goods & chatels of his Testator, and such Executor shall have an Action against every debtor of his Testator, and if the Executors have assets, every one to whom the Testator was in debt shall have an Action against the Executor, if he have an Obligation or specialty, but in every case where the Testator might sue by Law, no Action lyeth against the Executor. See therefore in the title Administration.

Exemplification.

Exemplification is when a man will have any original Record written out and exemplified forth of the Court where it remaineth, to which purpose he may have a writ, as apperth by the *Regist. Orig. fol. 190.*

And if a man will please to have a Record in another Court where it remaineth, it behoveth him to have this Record exemplified under the great Seal of England if hee be denied, for it ought to come into the Chancery by *Certiorare*, and there to be exemplified under the great Seal, for if it be exemplified under the Seale of a Common Pleas, or of the Exchequer, or such like, this shall not serve, unless in evidence at a Jury. See *Co. lib. 5. fol. 53.*

Exemption.

Exemption is a priuiledge to be free from service or appearance: and therefore a Baron & Baroness by reason of their dignity are exempted to appear upon any Enquest, *Co. li. 6. fo. 53.*

Also knights, Clerkes, and others are exempted to appear in the Sheriffs Court. This is by the Statute of *Marlebridge cap. 10.*

Also a man may be exempted from being put upon Enquests & iuries by the Kings Letters Patents, as the President & Colledge of Communalty of Physicians in London were by the Letters-patens of King *H. 8. Co. li. 8. fol. 108.*

Ex mero motu.

Ex mero motu are wordes frequently used in Kings Charters whereby they signify, that we doth that which is contained in the Charter of our own will and motion, without petition or suggestion made by any other: and the use of these wordes are to make all exceptions that might be made to the instrument void when they be contained, in alleging, that the King in giving that Charter was abused by any false suggestion, *Kyt. fo. 151.*

And when the Kings Charters contain therein these wordes, it is taken most strongly against the King, therefore if

Exemption.

Exemption est vn priuiledge destre franke de seruice ou apparance: & par ceo vn Baron & Baroness, per reason de leur dignitie sont exempts destre iure sur ascun Enquest, *Co. li. 6. fo. 53.*

Auxy Chiualliers, Clerkes, & Femmes, sont exempts de apparer al Leets, ou Tourne del Viscount. Et ceo est p^l statute de *Marlebridge, cap. 10.*

Et home poit estre exempt destre mis sur Enquests ou iuries per les Letters Patents le Roy, come le President & Colledge ou Communalte del Physitians en Londres furent per les Lettres Patents del Roy, *H. 8. Co. li. 8. fo. 108.*

Ex mero motu.

Ex mero motu sont parols visuellement mis é les Charters le Roy, per queux il implique, que il fait ceo que est contene en le Charter, de son volunt & motion demesme, sans prier ou suggestion fait per ascun autre. Et le effect de ceux parols sont de ouster toutes exceptions que poyeront estre prise al instrument en que ils sont contenus, per alleguer q^e le Roy en donont de c^e Charter fuit abuse p^{er} ascun faux allegation, *Kyt. fo. 151.*

Et q^unt vn Charte le Roy ad en ceo ceux parols, ils serra prise plus fortement vers le Roy, p^{er} que si le Roy pardon

The Exposition of

a B. tous ses dettes *ex mero motu*, tous dettes que B. doit come Viscount sont per ceo pardon, & en mesme le manner est en plusieurs autres cases, lou ceux parols serra trie cy fort vers le Roy, come si vn Common person ad fait le graunt. Veies *Co. lib. 1. fol. 45.*

Exigent.

EXigent est vn Briefe, & gift lou home sue Action personal, & le Defendant ne poyt esse troue, ne ad riens deins le Countie, per que il puit esse attach, ne distreine, donques cest Briefe issira al Viscount, de sayre proclamation al cinque Counties, chescun apres autre, q il appare, ou autrement il serra ytlage: & si soyt vtlage, donques tous ses biens & chateux sont forfeites al Roy, Auxy en vn Endictement de Felony, le Exigent issira apres le primer *Capias*. Et auxy en *Capias ad computandum*, ou *Ad satisfaciendum*, & en chescun *Capias* que issist apres iudgement, le Exigent issira apres le primer *Capias*. Et auxy en appeale de mort, mes néy en appeale de robbery, ou appeale d Mayhem.

Exigenter.

EXigenter est vn Officer d'l Common Pleas, & de ceux sont quatre en nombre. Ils sont tous Exigents & Proclamations en tous Actions en

the King *ex mero motu* don to B. all his debts, & debts that B. oweth as they are by this pardoned, in the like manner it is in other cases, where these shall be taken as strong against the King, as if a common person had made the grant. See *Co. lib. 1. fo. 45.*

Exigent.

EXigent is a writ, and it is where a man sueth an Action personal, and the Defendant cannot be found, nor had anything within the County whereby he may be attached, or distreined, then this writ shall go forth to the Sheriffe, to make proclamation at five Counties, every one after another, till he appeare, or else that he shall be outlawed: and if he be outlawed, then all his goods & chattels be forfeit to the King. Also in an Indictment of felony the Exigent shall go forth after the first *Capias*. And also in a *Capias ad computandum*, & in every *Capias* that goeth forth after indictment the Exigent shall go forth after the first *Capias*. And also in appeals of death, but not in an appeal of robbery, or appeals of Mayhem.

Exigenter.

EXigenter is an Officer of the Common Pleas, and of the others there are four in number. They make out all Exigents & Proclamations in all Actions

quex proceſſes of Outlawry
they make writs of
as well as the
notaries byen ſuch Ex-
as were made in their
And of this Officer
is mention made in the
of 10. Hen. 6. cap. 4. &
16. cap. 9.

Ex gravi querela.

Ex gravi querela, ſee thereof
in the title Deuiſe.

Ex parte talis.

Ex parte talis, looke thereof be-
Tit. Account.

Expeditate.

Expeditate is a word used of-
times concerning the
ſignifying to cut out
of great Dogges feet,
the preſervation of the
game. And one of the
to be enquired touch-
the foreſt is, If all great
or Maſtiues in the
are expeditated, and if
any not expeditated ac-
to the Lawes of the
then the owner of eu-
Dogge ſhall forfeit to
king three ſhillings and
Cromptons Iuriſd.
Maſter Manwood uſeth
ſame word, and part 1. of his
Law, fol. 112. ſets down
manner of expeditating of
heretofore, which was,
the three claws of the ſce-
on the right ſide ſhall be cut
the ſkinne, wherunto he
out of the ordinance

quex proceſſes de Vlagary giſt.
Et ils font Briefes de Super-
ſedeas cybien come les Proto-
notaries ſur tiels Exigents
come fueront faits en leur
Office. Et de ceſt Officer
mention eſt fait en les Sta-
tutes de 10. Henr. 6. cap. 4. &
18. H. 6. cap. 9.

Ex gravi querela.

EX gravi querela, veies de
ceci deuant tit. Deuiſe.

Ex parte talis.

EX parte talis, veies de ceci
deuant tit. Account.

Expeditate.

EXpeditate eſt vn parol plu-
ſours fois vſe touchant le
Forreſt, implyant de prend-
hors les balls des pees de
graund Chiens, pur le preſer-
uation del ſporte l' Roy. Et vn
des Articles deſtr'enquere con-
cernant le Forreſt eſt, ſi tous
grand Chiens on Maſtiues
deins le Forreſt ſount expedi-
tate, & ſi aſcuns la ſont nient
expediate, accordant al Leyes
del Forreſt, donq' l' owner de
cheſcun tiel Chien, forfeitera
al Roy troys ſoulz & quat de-
niers, Cromptons Iuriſd. fo. 152.
Monsieur Manwood uſeſt
meſme le parol, & part. 1. de
ſon Forreſt Ley, fo. 212. relate
le antient mannr de expedi-
tating de Chiens, que ſuit,
que les troys ortelles del pri-
mer pee del dext' latere ſerrôt
abſcindus per le pelle, a que
il auxy adde hors del ordi-
nance

The Exposition of

nāce appell' l' assise d' l' Forrest,
q' m le manner de expedita-
ting des Chiens serra iammes
vse & obserue, & nul auter.
Quere de que il surdout, que
M. Crompton & il differont,
l'un disant, que le ball del pee
est absconde, l'auter, q' les trois
primer ortelles sont desumus
peu le pelle.

Expensis militum leuandis

EXpensis militum leuandis
est vn Briefe direct al
Viscount, p' leuier l' ollowance
pur chiualers del Parliament,
Regist. Orig. fo. 191. b. Et Ex-
pensis militum non leuandis ab
hominibus de antiquo domini-
co, nec à natiuis, est vn Briefe
de phibet l' Viscount d' leui-
er aucun allowance pur les
Chiualers del County sur ti-
els queux tiendront é ancient
Demesne, &c. Ibid. fo. 261. b.

Extend.

EXtend est de appraiser les
terres ou tenements d' vn
oblige per Statute, &c. que ad
ceo forfeste, & deliuerer eux
al Conusee a tiel endifferent
rate, come per l' annuel p'fite
le Conusee en temps poet est
satisfie son debr. Veies Fitzh.
N.B. fo. 131. & Cok. li. 4. fo. 67.
Fulwoods Case.

Extinguishment.

EXtinguishment est lou asc'
Seigniour, ou aucun auter
ad aucun rent ou seruice issi-
ant d'aucun terre, & il p'chase
mesme le terre, issint que il

called the Assise of the Forest
that the same manner of
tating of Dogges shall be
used and kept, and none
Quere whether it graunt
Master Crompton and
fer, the one saying that
of the foot is cut out, the
that the thre foze clawes
cut off by the skin.

Expensis militum leuandis

EXpensis militum leuandis
a writ directed to the
rife, for leuaying the allow-
for the Knights of the
ment, Regist. Orig. fo. 191. b.
Expensis militum non leu-
de hominibus, de antiquo do-
nico, nec à natiuis, is a writ
prohibet the Sheriffe to le-
ny allowance for the
of the County upon
hold in ancient Deme-
Ibidem, fo. 261. b.

Extend.

EXtend is to value the
or tenements of one
by Statute, &c. that hath
fested it, and to deliuer
the Conusee at such im-
rates, as that by the party
sits the Conusee in time
bee satisfied his debt.
Fitz. N.B. fo. 131. and Cok.
fo. 67. Fulwoods Case.

Extinguishment.

EXtinguishment is when
Lord or any other
ny rent or seruice going
any land, and hee purchaseth
the same land, so that he

in the land as hee
the rent, then the rent
is not, for that one may
the rent going out of his
land. Also when any rent
is extinct, it behooveth
the land and the rent bee
in the land, and also that the
land that hee hath has not
the rent, and also that hee
has good estate in the land
the rent, for if hee have
the land but for term
of years, and hath fee
in the rent, then the
rent is not extinct, but the
rent is in suspence for that
the rent is revived. And if
the Lord, Mesne, and
Tenant, and the Lord pur-
chase the Tenancy, then the
rent is extinct, but the
tenant shall have the surplusage
of the rent, if there be any, as
the lawe. Also if a man have
the way appendant, and af-
terwards the land wherein
the way is, then the way
is not extinct, and so it is of a com-
mon appendant.

Extortion.

Extortion is wrong done by
an Officer, Ordinary, Arch-
deacon, Official, Maior, Bay-
liffe, Escheator, Coror,
Under-sherife, Gaoler, or
any Officer by colour of his
Office by taking excessive re-
ward for execution of his
Office, or otherwise, & is no
doubt indeed then plaine
robbery, & rather more odious

ad tiel estate en la terre, come
il avoit en le rent, donques
le rent est extinct, pur ceo
que un ne puit aver rent is-
suant hors d son tre d meisme.
Auxy quant ascun rent serra
extinct, il covient que le ser-
re & le rent sount en un
maine, & auxy que l' estate q
il ad ne soit defeasible, & auxy
que il ait auxy bone estate en
la terre come en le rent, car
sil ad estate en la terre forsq
pur terme de vie ou d ans, &
ad un fee simple en le rent,
donques le rent nest extinct,
mes le rent est en suspence pur
cel temps, & donques apres
le fine le rent est revivé. Auxy
si soit Seignior, Mesne, & Te-
nant, & le Seignior purchase
la Tenancie, donqs l' Mesnal-
tie est extinct, mes le Mesne
avera le surplusage del rent,
si ascun soit, come rent secke.
Auxy si home ad chemin ap-
pendant, & puis purchase, le
tre en que le chemin est, don-
ques le chemin est extinct, &
issint est de un common ap-
pendant.

Extortion.

Extortion est un tort fait
per un Officer, Ordinary,
Archdeacon, Official, Maior,
Bayliffe, Viscount, Escheator,
South-viscount, Coror, Gao-
ler, ou auter Officer, colore
officii sui, en prenant ex-
cessive reward ou fee pur exe-
cution de son dit Office, ou
aufment, & nest auter chose en
fait que plaine robbery, mes
plus

The Exposition of

plus odible que robbérie, car robbérie est apparant, & tout temps ad ove luy le countenance de vice, mes Extortion esteant cy hault vice que robbérie est, port ove luy un cou'tenance del vertue, p reason de quel il est le plus dure destetrie, ou discerne, & pur ceo le plus odible, & uncore ascuns il y ad q ne voiloient demurs mes stretch l'our Office, credit & conscience, pur purchaser money, cybien per extortion, come auterment, accordant al disans de le Poet *Virgil*, *Quid non mortalia pectora cogit, auri sacra fames?*

Evesdroppers.

EVesdroppers sont tiels q ux estoient desouth mures ou fenestres p nuit ou jour a oyer novels, & a carrier eux al aufs a fayr strife & debate inf leur Vicines, ceux sont male members en le Common-wealth, & pur ceo per le Statute de *Westminst. 1. ca. 33*, sont destre punie.

Et cest misdemeañ est presentable & punishable en le Court Leet, *Kitch. fo. 11.*

Evidence.

EVidence est use generalment pur ascun prooffe, soit il per le Testimonie de hös, ou per escript. Sir *Tho. Smith*, *lib. 2. cap. 17.* ceo usa en ambideux sorts en ceux parols: Evidence est authentique escripts de Contrac'ts solon que le manner d'engleterre,

than robbery, for robbery is apparant, and alwayes in it the countenance of vice, Extortion being as good as robbery is, carries a countenance of virtue, whereas it is hard to be tryed or discerned, and therefore the more men and yet some there be that not stick to stretch their credit, & conscience, to purchase money, as well by extortion, as otherwise, according to the saying of the Poet *Virgil*, *What that hunger sweet of gold doth not constrain men to attempt?*

Evesdroppers.

EVesdroppers are such as under walls or windows by night or day to hear and to carry them to others, to make strife and debate with their Neighbors, those are members in the Commonwealth, and therefore by the Statute of *Westminst. 1. cap. 33.* are punished.

And this misdemeanour is presentable and punishable in the Court Leet, *Kitch. fol. 11.*

Evidence.

EVidence is generally used for some proofe, as in the Testimony of men, or writing. Sir *Thomas Smith*, *lib. 2. cap. 17.* useth it in these words: Evidence is authentical in the writing of Contrac'ts, according to the manner of England.

written, sealed, and

cest adire, escrie, enseale, & deliver.

lib. 2. cap. 23. speaking of a Prisoner that standeth there to plead for his self, or of those that charge him with Felony, saith thus, he telleth what hee can see him also all those things at the apprehension of the Prisoner, or who can give him Dignes or Tokens, or who call in our Language, Evidence against the Prisoner.

Et lib. 2. cap. 23. parlant del Prisoner que estoia al Barre a pleader pur son vic, & de ceux que chargea luy ove Felony, issint dit, Donque il monstre que il poit dire, puis luy auxy tous ceux queux fueront al apprehension del Prisoner, ou que poyent doner ascuns Indices ou Tokens, queux nous appellomus nostre Parolance, Evidence envers le Maistrage.

F.

Facultie.

Facultie is a word often used in the Statute of Hen. 8. cap. 21. and it signifies a priviledge or dispensation granted unto some by favour and indulgence, so that which by the Law cannot doe, as to catechize upon dayes forbidden, or to hold two or more Ecclesiastical livings, and the like. In the granting of these Faculties there is a speciall Officer under the Archbishop of Canterbury, called the Master of Faculties.

F.

Facultie.

Facultie est un parol plusieurs fois use en le Statute de 25. Hen. 8. cap. 21. & il signifie un priviledge ou special dispensation graunt al home per favor & indulgence, de faire ceo que per le Ley il ne puit faire, sicome de manger chaire en jours prohibits, ou pur tener deux ou plusieurs Ecclesiastical Benefices ensemble, &c. Et pur le graunter de ceux faculties la est un special Officer desouth l'Archevesq de Canterbury, q est appelle le Master des Faculties.

Failing of Record.

Failing of Record is when an Action is brought against the Defendant pleads matter that is of Record neither byt, and doth as

Failer de Record.

Failer de Record est quant un Action est port envers un, & le Defendant plede aucun matter de Record en autre sort, & averre de ceo

X 2

prove

The Exposition of

prove per le Record ; & le Plaintiffe dit nul tiel Record, sur que le Defendaunt ad jour done a luy, pur amesne eins le Record, a quel jour il faile, ou amesne eins un tiel que nest barre al cest Action, donques il est dit pur failer d son Record, & sur ceo le Plaintiffe avera judgement de recoverer.

Faint action.

F*aint action*, come *Littleton*, fo. 154. dit, est autant a dire en Anglois un fained Action, cest a sçavoir, tiel Action q coment q les parols de le Briefe sont voyers, uncore pur certaine causes il nad cause ne title per la Ley de recover per mesme l' Action : Et faux Action est lou les parols del Briefe sont faux. Iffint faint pleader est un covenant, faux, & collusorie manner de pleading, al deceipt d'un tierce partie. Et encounter tiel faint pleader, enf auts choses le vieux Statute en 3 E. 1. ca. 29. semble destre fait.

Fait.

F*ait* est un escript enseale & deliver, a prover & testifier l' agreement del partie, quel fait el est, al chose containe en le Fait, come un Fait de Feoffement est un prove del liverie de seisin, car le terre passe per le liverie de seisin, mes quant le Fait & le liverie est joynt ensemble. cest un prove del liverie, & que le

verre to prove it by the and the Plaintiffe saith no such Record, where the Defendant hath day given to bring in the Record, which day he faileth, or in such a one, as is no part of this Action, then he is in fault of this record, where the Plaintiffe shall have judgment to recover, &c.

Faint action.

F*aint action*, as *Littleton* fol. 154. saith, is as much as to say in English a fained Action, that is to say, an Action, as although the words of the writ be true, yet for certain causes he cannot cause nor title by the law to recover by the same writ. And a false Action is when the words of the writ are false. So faint pleading is a covenant, false, and collusorie manner of pleading to the hurt of a third party. And against faint pleading amongst other things the old Statute in 3 E. 1. ca. 29. seems to be made.

Deed.

D*eed* is a writing sealed & delivered, to prove and testify the agreement of the party, whose deed it is, to the thing contained in the Deed. A Deed of Feoffement is a proof of the livery of seisin, the land passeth by the livery of seisin, but when the Deed and the livery are joyned together, that is a proof of the livery.

lessoz is contented that
shall have the land.

And that all Deeds are
witnessed, wherof there be
three, or more parts, as the
witnesseth, of which the feof-
feours, or lessoz hath one,
the grantee, or lessee
two: And peradventure
either body also another, &c.
if they are poll deeds or
not, and but one, which the
grantee, or lessee hath,
but every deed consisteth
in three principle points,
if these three be not
together, it is no per-
fect deed to bind the parties)
writing, sealing, and
testimony.

The first point is writing,
which sheweth the parties
to the Deed, their dwell-
places, their degrees, the
thing granted, upon what
conditions, the estate li-
mit, the time when it was
made, and whether simply,
or condition, with other
like circumstances. But
after the parties unto the
Deed write in the end their
names, or set to their
signatures (as it is commonly
done) it maketh no matter at
all (I thinke) for that is
not a point, where it is said,
every deed ought to have

The second point is sealing,
which is a further Testimony
of the parties to that con-
tent in the Deed, as it appea-
reth by the words, In witness

feoffor est content q le feoffee
avera le terre.

Et nota, Que tous Faits
sont ou indent, de quel y sont
deux, trois, ou plusors parties,
come le case require, de que le
feoffour, grauntour, ou lessour
ad un, le teoffee, grauntee, ou
lessee, un auter: Et peradven-
ture ascun auter person auxy
un auter, &c. Ou autrement ils
sont faits pol, ou single, &
forsque un, le quel le feoffee,
grantee, ou lessee ad, &c. Et
chescun fait consist de trois
principal choses, (& si ceux
trois ne sont joyne ensemble,
il n'est perfect fait de lier les
parties) nosmement, escripture,
sigillation, & deliverie.

Le primer point est escrip-
ture, pur que est declare les
nosmes del parties al fait, leur
habitations, leur degrees, le
chose grauntus, sur queux
considerations, l'estate limit,
le temps quant il fuit graun-
tus, & si simplement, ou sur
condition, ove auters tiels
semblables circonstances. Mes
si les parties al fait escript en
le fine leur nosmes demesne,
ou mis a ceo leur marques
(come il est communement
use) il ne fait aucun matter
(come leo suppose) car ceo
n'est entende, ou il est dit,
que chescun fait covient de
aver escripture.

Le second point est sigilla-
tion, que est plus Testimonie
de leur consents al ceo con-
taine en le Fait, come appiert
per ceux parols, *In cujus rei*
Testimonium.

The Exposition of

Testimonium, &c. ou a tiel effect, mis en le fine de Fairs, sauns queux parols, le Fait est insuffisant. Et pur ceo que nous sumas en sigillation & signing de Faits, il ne serra de hors, icy a monstre a vous, par l' amour del Antiquite, le manner del signing & subscribing de Faits, en nostre Ancestors le Saxons temps, un fashion different d' ceo que nous use en ceux nostre jours, en ceo q' ils a lour Faits subscribe lour nosmes, (communement adding le signe del Crose) & en le fine mis un grand number de Testimoignes, nient usant a cel temps ascun man d' sigil. Et nous a cest jour pur plus suertie, auxy bien subscribe nostre nosme (nient obstant ceo nest mult necessarie, come Jeo aye devaunt dit) & mis nostre Sigilles, & use le ayde des Testimoignes auxy. Cest primer fashion continue per tout, tanque al temps del Conquest per les Normans, quelmanners per petite & petite al darrein prevaile enter nous, car le primer Charter sigil en Engleterre est pense destre ceo del Roy Edward le Confessor al Abbey de Westminster, que esteaunt educate en Normandie, port en cest Realme ceo & ascun autre de lour guises. Et apres le veniens de Guillian le Conquerour, les Normanes estimants de le custome de lour pays (come naturalment tous Nations sont) reject le man-

whereof, &c. or to be alwaies put in the Writs, without the Writ is insufficient. because we are above and signing of Writs, not be much amiss to you for Antiquities the manner of signing and binding of Writs in our times the Saxons times fashion differing from the use in these our days, in that they to their Writs subscribed their names (adding the signe of the Cross) and in the end did set a great number of witnesses using at that time any seal. And we at this more surety, both have our names, (although not very necessary, as I aforesaid) and put in Seales, and use the Testimonies besides. This manner fashion continued out, untill the time of the conquest by the Normans, the manners by little and little the length prevailed on us, for the first sealed Writ in England is thought that of King Edward the Confessor to the Abbey of Westminster, who being brought in Normandy, brought this Realm that and the other of their guises. And after the coming of Guillian the Conqueror the Normans taking the customs (as Nations do) rejected the

they found here, and
their owne, as Ingul-
phus l' Abbot of Croiland,
wrote in with the Con-
quest, saying: The
Normans do change the making
of Seales, which were wont to
be used in England with Cro-
iland gold, and other holy signes,
in printing wax, and they
do it also the manner of the En-
glish writing. Howbeit this was
not all at once, but it in-
creased and came forward by
degrees and degrees, so
that and for a season the
Normans, or a few other of
the Nobility besides him used
it: Then the Noble men
of the most part, and none o-
ther, which thing a man may
see in the Historie of Bartell
Abbey, where Richard Lucie
Justice of England, in
the time of King Henry the se-
cond, is reported to have blamed
the Nobility for that he used
the same Seale, when as that
time (as he said) to the King
was Nobility onely.

At which time also (as I
have noted it) they used to in-
grave in their Seales their
pictures and counterfeits
with a long coate over
their Armour. But after this
the Gentlemen of the better
sort took up the fashion, and
because they were not all Mar-
shalls, they made seales in gra-
ve with their severall Coates
of Arms, for dif-
ference like, as the same Au-
thor reporteth. At the length,

ner que ils trouvent cy, & re-
teygnont leur proper, cōe In-
gulphus l' Abbot de Croiland,
que vient eins ove l' Conquest
tesmolgne, dicens: *Normanni
cheirographorum confessionem,
cum crucibus aureis, & alia
signaculis sacris in Anglia fir-
mari solitam, in cerâ impressâ
mutant, modumque scribendâ
Anglicum rejiciunt.* Mes nient
obstant ceo ne fuit fait tout
al un temps, mes il increase &
vient eies per certaine steps &
degrees, issint que primes &
pur un season le Roy solemer,
ou un peu auter de le Nobili-
tie ouster luy use de sigiller:
Donques le Noble homes pur
le plus part, & nul auters:
Quel chose un hōe poit veier
ē le Historie de Bartell Abbey,
lou Rich. Lucie chiefe Justice
de Engleterre, en la temps del
Roy Hen. le second, est report
de aver blame un meane sub-
ject par ceo que il use un pri-
vate Sigille, quant ceo ptaine
(come il dit) al Roy & No-
bilitie solement.

A quel temps auxy (come I.
Rosse note ceo) ils use de in-
grave en leur Sigils leur pi-
ctures demesne, & countfeits,
cover ove longe tunicle super
leur Armour. Mes apres ceo
les Gentlehoines del meliour
sorts prist l' fashion, & pur ceo
que ils ne fueront tous guer-
riours, ils fesoient Sigilles in-
grave ove leur severall Coats
ou Shields de Armes, par dif-
ference, come mesme l' Au-
thor report. Al d' arreine, en
temps

The Exposition of

temps del Roy *Ed.* l' 3. sigils fueront mult common, ilint q non soleint tiels q portant Armes use de sigiller, mes auters hoes auxy tesoient al eux mesmes Signers de leur devises demesne, ascuns pndrants les Letters de leur nosmes demesne, ascuns Flowers, ascuns Knots & Flourishes, ascuns Oxseaux & Beasts, & ascuns aues choses, cõe nous ore une' journalint veimous en use.

Ascuns auters manners de sigillation ouster ceux ad estre oye enter nous, come nosmelement ceo del Roy *Edward* le tierce, p que il donè al *Norman* le Hunter, le Hop & le Hop ville, ove tous les bouds upside downe, & in testmoign q il soit verie, il mord le cere ove son fore dent.

Le semblable d cest fuit monstre a moy p un de mes amies en un loose charf, mes non mult ancientint escript, & pur ceo il voile moy que Ieo esteema d ceo come Ieo pense bien: Il fait come ensuist.

Ieo *Guilliam King*, done a vous *Powlen Royden*, ma Hop & ma Hop terres, ove tous les bounds up & downe, de Cœlo al Terre, de Terre ad Infernum, pur toy & vestres a demurrer d moy & mes, al toy & vestres, pur un arcke & un broad sagit, qnt Ieo veign par hnt sur Yarrow. In testmoign que ceo est veray, Ieo morde cest cere ove mō dent, en presence de *Mag. Maud*, & *Margerie*, & mō tierce fis *Henrie*.

about the time of King *Ed.* the third, seales became common, so that not only as boze Armes used to be but other men also fastned to themselves Signers of their owne devices, some of the Letters of their names, some Flowers, Knots and Flourishes, Birds and Beasts, and other things, as we now daily behold in use.

Some other manners of lings besides these have been heard of among us, as that of King *Edward* the third by which he gave to *Norman* Hunter, the Hop and the Hop Town, with all the pounside downe. and in witness it was smoth, he bit the cere with his fore tooth.

The like to this was shewd to mee by one of my friends a loose paper, but not very anciently written, and therein he willed mee to esteeme it as I thought good: It followeth.

I *William King*, give to *Powlen Royden*, my Hop and my Hop lands, with all the bounds up and downe, from Heav'n to Earth, from Sea to Hill, for thee and thine to dwell, from mee and mine, thee and thine, for a Wide and broad Arrow, when I shall hunt upon Yarrow. In witness that this is sooth, I bit the cere with my tooth, in the presence of *Mag. Maud*, and *Margerie* and my third sonne *Henry*.

As that of Alberiche de
containing the Donation
which, to which he affixed
a blacke hasted knife, like
an old halfe-penny whit-
thead of a scale, with dis-
tinct like.

For some peradventure will
say, that these were received
in common use and custome, and
they were not rather the
devises and pleasures of a few
persons, such as are
described than they that
every Charter and Writ-
ing that hath no seale annexed,
is as ancient as the Con-
quest, whereas indeed sealing
was not commonly used till
the time of King Edw. 3. as hath
been already said.

The third point is Delive-
rie, which although it be set
is not the least, for after
the Deed is written and sea-
led it be not delivered, all the
is to no purpose.

And this Deliverie ought to
be done by the party himselfe,
or his sufficient warrant, and
he shall binde him, whosoever
he sealed the same, and
this last act the Deed is
perfect according to the
intent and effect thereof, and
in Deeds the delivry
is to be proved, &c.

As you see, That Writ-
ing and sealing without Deliv-
rie is nothing to purpose:
And sealing & delivry where
there is no writing worke no
purpose: For writing and deliv-
rie without sealing also make

Item ceo de Alberico de
Vere conteignent le donation
de Hatfield, auquel il fixe un
cort noyer hasted cuttel, sem-
blable al un vieux demy-de-
nier whittle, en steed de un
seal, ove diuis tiels semblables.

Mes ascū peradventure voy-
lent pense, que ceux fueront
receive en common use & cu-
stome, & que ils ne fueront les
devises & pleasures d'un peu
singular psons, tiels quels ne
sount meyns deceive, que ils
que pensont chescun Charter
& Escrip que ne ad sigille an-
nexe, destre cy antient come
le Conquest, lou en veritie si-
gillation n fuit communemēt
use ranque al temps del Roy
Edw. 3. come ad estre dit.

Le tierce point est Delive-
rie, quel nient obstaunt il soit
mist darreign, nest l' meanest,
car ap's que un Fait soit escript
& sigille, si ne soit deliū, tout
le residue est a nul purpose.

Et cest Deliverie doyt estre
fait per le partie luy mesme,
ou son sufficient Garraunt,
& issint il luy liera quecunq;
escript ou sigil ceo, & per
cest darreine act le Fait est
fait perfect, accordant all en-
tent & effect de ceo, & pur c'
en Faits le Liverie est destre
prove, &c.

Issint poyes veyr, Que
escripture & sigillation sauns
deliverie est a nul purpose:
Que sigillation & deliverie
lou nest asc' escripture, work
nul chose: Ne escripture &
deliverie sauns sigillation auxy
fait

The Exposition of

Fait nul Fait. Et pur ceo ils
touts doivent jointment concour
p faire un perfect Fait, come
est avantdit.

Faitour.

Faitour est un parol p est
use e le vieux repeale Sta-
tute de 7. R. 2. cap. 5. & est la
prise en l' pire sensse p un male
feasor, ou un oisif companion,
& semble icy deestre un Syno-
nymon al Vagabond.

Fardingdeale.

Fardingdeale, autment *Fa-
rundel* de terre, implia le
quart part d un Acre, *Crompt.
Jurisdic. fo. 220. b. Quadrati-
cata terre* est lie en le *Regist.
Origin. fol. 1. b.* lou vous aves
auxy, *denariata & obolata*, so-
lidata & librata terre, que p
probabilitie surderoit en ppor-
tion de quantitie de Farding-
deale, come un male denier,
soulz, ou liver surdont e value
& estimation, donque *Obolata*
est un demy Acre, *Denariata*
l' Acre, *Solidata* douze Acres,
& *Librata* douze score Acres,
Vnc' e l' *Reg. Orig. fo. 94. & 248.*
vous poyes trou *viginti libra-
tas terre vel redditus*, per que
il semble, que l' brata terre est
tant que dona vigint soulz per
l' an, & *centum solidatas ter-
rarum tenementorum, & redi-
tuum*, fol. 249. Et en *F. N. B.*
fol. 87. la sont ceux patels, *Viginti
libratas terre vel redi-
tus*, que pmoa ceo deestre tant
tre cõe est rate al vigint soulz
p l' an. Vcies *Furlong*.

no Deed. And therefore
all ought jointly to concur
make a perfect Deed, as is
foze said.

Faitour.

Faitour is a word used in
old repealed Statute of
R. 2. cap. 5. and it is there
in the worst sense for a
doer, or an idle companion,
it seemeth there be a Syno-
mon to Vagabond.

Fardingdeale.

Fardingdeale, otherwile
rundel of land, signifies the
fourth part of an Acre. Com-
mons jurisdictions, fo. 220. b. *Quadrati-
cata terre* is read in the
Reg. Orig. fo. 1. b. where you
have *denariata* and *obolata*, *li-
data* and *librata* terre, which
probability must rise in pro-
portion of quantity from *Farding-
deale*, as a halfe-penny, per
shilling, or pound rise in value
and estimation, then must *Obola-
ta* be halfe an Acre, *Denariata*
the Acre, *Solidata* twelbe Acres,
and *Librata* twelbe score Acres.
Yet in the *Reg. Orig. fo. 94. & 248.*
you may find *viginti libratas ter-
re vel redditus*, whereby it seemeth
that *librata* terre is as much as
peelos xx. s. by the year, and *cen-
tum solidatas terrarum tenemen-
torum, & redditum*, fo. 249. and
in *F. N. B.* fo. 87. there are the
words, *Viginti Libratas terre
vel redditus*, which probeth
to be so much land as is rated
at twenty shillings by the year.
De Furlong.

Farme or Ferme.

Farme or Ferme is special-
ly the chiefe messuage in a
Village or Towne, whereto be-
longeth great demeanes, of all
sorts, whiche hath bene used to be
let by terme of life, yeare, or
week.

And the rent that is reserved
upon such a lease, or the like, is
called Farme or Ferme.

And Farmor or Fermor is
he that occupieth the Farme or
Ferme, or is hisse thereof.

Also generally every Lessee
of land, yeares, or at will, al-
though it be of never so small a
parce of house, is called Far-
mor or Fermor.

And note, That they are cal-
led Farmes or Fermes of the
Saxon word, Feormion, which
signifieth to feed, or yeeld victu-
als.

For in ancient time their
reservations were as well (or
in the most part) in victualls,
as money, untill at the last,
that chiefly in the time of
King Henry the first, by agree-
ment, the reservation of victualls
was turned into ready money,
and so hitherto hath continued
amongst most men.

Fate or Fatt.

Fate or Fatt is a measure men-
tioned in the Statutes of
11. H. 1. c. 10. and 11. H. 6. cap. 8.
to containe eight bushels, but
the Citizens and Merchants
of London (as it appeares by
the Statutes) and the Kings
Purveyors, would have that

Farme ou Ferme.

Farme ou Ferme est speci-
alment le chiefe messuage
en un Village ou Towne, a q
appertinent grand demeanes
de tous sorts, & ad este use
deste lessé pur terme de vie,
ans, ou a volunt.

Item le rent que est reserve
sur tiel lease, ou semble, est ap-
pelle Farme ou Ferme.

Et Farmour ou Fermour est
celuy q occupia le Farme ou
Ferme, ou est Lessé de ceo.

Auxy généralement chescun
Lessé p vie, ans, ou al volunt,
nient, obstant il soit d'un pe-
tit cottage ou messuage, est ap-
pel Farmor ou Fermor.

Et nota, Que ils sont ap-
pelles Farmes ou Fermes, del
Saxon parol Feormion, q sig-
nifie p feed, ou rend victual.
Car en antient temps leur re-
servations fueront cybien (ou
pur le plus part) en victual.
come argé, tan q al darreine,
& ceo principalmt é le temps
de Roy H. 1. per agreement, le
reservation de victuals fuit
convert en ready argent, &
issint uncore ad continue en-
ter plusours homes.

Fate ou Fatt.

Fate ou Fatt est un measure
mention en lestatutes de
1. H. 1. c. 10. & 11. H. 6. cap. 8.
pur contener huit boisseaus,
mes les citizens & Merchants
d' Londres (coe appiert p ceux
Statutes) & les Purveors le
Roy voilont aver ceo measure
& un

The Exposition of

& un boisseau ouster pur un quartier, & issint ils avoient neufe boisseaus pur un quartier de blee.

measure with a bushell above one quarter, and so they have nine bushells for one quarter of corn.

Faux imprisonment.

Faux imprisonment.

Faux imprisonment est un Briefe, & gist lou home est arrest & restraine de son libertie per un autre, encounter order de Ley, donques il avera vers luy cest Briefe, per que il recouvrera dammages. Veies pluis de ceo devant tit. Arrest.

Faux imprisonment is a writ and it lyeth where a man is arrested and restrained from his liberty by another against the order of the Law, then he shall have against him a writ, whereby he shall recover damages. See more thereof before, tit. Arrest.

Faux judgement.

Faux judgement.

Faux judgement, veies d ceo devant tit. Error.

Faux judgement, see thereof before, tit. Error.

Fee.

Fee.

FEe (*Feodum*) est en nostre Ley vox equivocca des divers significacions, car est plus communement prise pur un estat del inheritance en fies ou tenements al un & ses heires, ou al un & les heires d son corps. Mes est use auxy pur le compasse circuit, ou extent d'un Seignorie ou Mannor. Et de ceo venust l' ordinarie plee en barre al un Avowry. Que le fre sur que il avow est hors de son fee. Et tiercement, il est prise pur le reward, ou salarie done al un pur l' execution de son office, cõe le fee dun Forester, ou le Gardeine dun Parke, ou le fee dun Viscount pur l' server dun Execution, cõe est limit p l'estature 29. *El. ca. 4.* Et issint est auxy prise pur ceo consideration q est done al un

FEe (*Feodum*) is in our Law an equivocall word of divers significacions, for it is most usually taken for an estate of inheritance in lands and tenements to one and his heirs, or to one and the heirs of his body. But it is used also for the compass, circuit, or extent of a Lordship or Mannor. And from thence comes the ordinary plee in barre to an Avowry. That the land upon which he avowes is out of his fee. And thirdly, it is taken for a reward, or wages given to one for the execution of his office, as the fee of a Forester or a Keeper of a Parke. or a Sheriffs fee for serving of an Execution limited by the Statute of 29. *Eliz. ca. 4.* And so it is also taken for that consideration which is given

Sergeant at Law, or a
Counsellor, or a Physician, for
their counsel or advice in their
business, which (as it is well
known by Sir Jo. Davies in
his preface to his Reports) is
properly Merces, but Hono-
rarium. But yet in our Law
it is called his fee.

Fee farme.

Fee farme is when a Tenant
gives of his Lord in fee
farme, paying to him the va-
lue of halfe, or of the third
part, or of the fourth part, or of
any other part of the land by the
year. And he that holdeth by
fee farme, ought not to pay re-
nt, or do any other thing that
is contained in the feoffment,
but only, for that belongeth to
all kinds of Tenures:

Fee simple.

Fee simple is when any per-
son holds lands or rent, or
any thing inheritable to him
or to his heires for evermore,
in these words. His heires,
and the estate of inheritance,
the land be given to a man
for ever, yet he hath but an estate
of life.

Whoso the Tenant in fee sim-
ple, his first sonne shall de-
scend, but if he have no son,
then all his daughters that hee
shall be his heires, and e-
very one shall have her part by
partition, but if he have no son
nor daughter, then his next
collaterall of the whole
blood shall be his heire.

Sergeant at Law, ou al un Plea-
der, ou un Physician pur leur
counsel ou advice en leur pro-
fession, que (come est bien ob-
servee par Sir Jo. Davies en son
preface a ses Reports) nest p-
perint Merces, forsqu' Honora-
rium. Mesunc' en le dialecte de
nostre Ley c' est appel son fee.

Fee ferme.

Fee ferme est quant un Te-
nant tien de son Seignior
en fee simple rendant a luy le
value del moitie, ou de tierce
part, ou quart part, ou de auter
part del terre per an. Et il que
tient en fee ferme ne doyet
payer reliefe ou faire auter
chose mes sicome est contene
en le feoffment, forsque feal-
tie car c' appent a tous man-
ners Tenures.

Fee simple.

Fee simple est quant ascun
person tient terre ou rent,
ou auter chose inheritable a
luy & ses heires a tous jours,
ceux parols, Ses heires, font
lestat d' inheritance, car si
il n' est done a home a tous
jours, unc' il n' ad forsque estat
pur terme de vie.

Auxy si Tenant en fee sim-
ple deuie, son primer fits ser-
ra son heir, mes fil n' ad fits,
donque tout les files que il
ad serront son heire, & ches-
cun avera son part p' partie,
mes fil n' ad fits ne file, don-
ques son prochein cousin col-
lateral de l' entiere sanke serrra
son heire.

Feoffment.

The Exposition of

Feoffement.

Feoffement est lou un done terre ou tiel chose corporall hereditable a un autre en fee simple, & de ceo deliver seisin & possession, ceo est un feoffement. Auxy si un fait done en le taile, ou lease pur tme de vie, ou pur terme d'auter vie, il convient auxy de done liverie & seisin, ou autrement riens passera per le grant.

Feoffor & Feoffee.

Feoffor est celuy que enseoffe ou fait feoffement al autre de terres ou tenements en fee simple: Et feoffee est celuy q est enseoffe, ou a que le feoffment est issint fait.

Fealtie:

Fealtie est un service appelle ou Latine, *Fidelitas*, & sera fait en tiel manner, cestascavoir, le Tenant tiendf sa main dextre sur un liver, & dirra a son Seignour, Ieo a vous ferra foyal & loyal, & foy vous portera de tenements que Ieo claime de tener de vous, & verament a vous ferra les customes & services que faire vous doy al termes assignes, sicome moy cyde Dieu: & basera le liver: mes il ne genulef, come ensefant homage. Et de ceo veies apres en le tiel *Homage*. Auxy fealtie est incident a tous maners Tenures.

Feoffement

Feoffement is when a man giveth lands, heales, or other corporall things to another hereditable to another in fee simple, & therof delivereth seisin, and possession, it is a feoffment. Also if one make a taile, or lease for term of years, or of another mans life, it behoveth also to give liverie & seisin, or else nothing shal passe by the grant.

Feoffor and Feoffee.

Feoffor is hee that maketh or maketh a feoffment to another of lands or tenements in fee simple: And Feoffee is who is infeoffed, or to whom the feoffment is so made.

Fealtie.

Fealtie is a service called in Latine *Fidelitas*, and shall be done in such manner, viz. the tenant shall hold his right hand upon a book, and shall say to his Lord, I shall be to you full and true, and shall bear you faith for the lands and tenements which I claime to have of you, and truly shall do you the customes and services that I ought to do to you at the termes assigned, so help me God: and shall kisse the book, but he shall not kneele as in doing homage. And therof shal after in the little Homage. Fealty is incident to all maners Tenures.

Felonie.

Felonie is a generall terme, which comprehendeth divers heynous offences, for which the offender ought to suffer death, and to forfeit their lands: And it is called so, because that they are called *Felones* of the Latine word *Fel*, which is in English *Gall*, in French *Fiel*: or of the ancient word, *Fell*, or *fierce*, because that they are intended to be done with a cruell, fell, fierce, or mischievous minde. And some of them are when a man without any colour of Law stealeth the goods of another, amounting to the value of twelve pence or more, that is felony: but if any approcheth the person of another by the high-way, and robbeth him of his goods, although it be the value of one penny, it is felony, and that is called *robbery*, and therefore he shall be hanged.

Ferdfare.

Ferdfare is to be quit from going to warre, *Flet. lib. 1. cap. 47.*

Ferdwit.

Ferdwit is to be quit of murder committed in the army, *Flet. lib. 1. cap. 47.*

Fence-moneth.

Fence-moneth is a foretold day, and signifies the time of 15. dayes in the yeare, that is 15. dayes before Mid-

Felonie.

Felonie est un general terme que comprehend divers heynous offences, par que l'offendours doyent suffer mort, & perdre leur fres. Et semble que eux sont appellees *Felonies* del Latine parol *Fel*, que est en Anglois *Gall*, en Francoise *Fiel*: Ou del auncient parol Anglois, *Fell*, ou *Fierce*, ou pur ceo que sont entends destes faits *felleo animo*, with bitter, fell, fierce, ou mischievous mind. Et ascuns de ceux sont, quant home sans ascun colour de Ley, emblea les biens d'un auter, amountant al value de xii. deniers, ou plus, ceo est *Larceny*: Mes si un approcha a le person d'un auter en le hault-chemin, & luy robba d' ses biens, mesque ils ne sont forsque al value de un denier, il est *Felonie*, & ceo est appel *robberie*, & pur ceo il serra pendue.

Ferdfare.

Ferdfare hoc est quietum esse de eundo in exercitum, *Flet. lib. 1. ca. 47.*

Ferdwit.

Ferdwit hoc est, quietum esse d' murthero in exercitu facto, *Flet lib. 1. ca. 47.*

Fence-moys.

Fence-moys est un parol del forest, & signifie le space d' 31. jours en l'an, cest a savoir, 15. jours devant Midsummer, & 15.

to charge the death of any
upon the slayer and
and this word is
in the Statute of
cap. 13.

Fieri facias.

Fieri facias is a writ judiciall,
and it lieth where a man re-
ceiveth debt or damages in
any Court, then he shall
bring this writ to the Sheriffe,
commanding him that he levie
the debt and damages of the
party against whom the
debt is had, and it lieth al-
ways within a yeere and a day,
after the yeere he must sue a
fieri facias, and if he be warned,
and he not come at the day, &c.
if he come and can say no-
thing, then he which recovereth
shall have a writ of *Fieri facias*,
and to the Sheriffe, that he
shall have execution of
the same.

And if a man recover against
a woman, & she take a husband
within the yeere & the day, then
the husband shall recover must have a
fieri facias against the husband.
And it is if an Abbot or Pri-
or recover and dye, his succes-
sor within the yeere shall have
a *fieri facias*, for therfore more
the title *Scire facias*, and title
Execution.

File.

File (filacium) is a thread by
which, upon which writs
and other Exhibits in Courts
are for the safer keeping of
together.

sanguinitie pur le vengeance
del mort dascun de lour sanke
sur l' homicide & tout son
race, & cest parol est mention
en lestatute de 43. *El. ca. 13.*

Fieri facias.

Fieri facias est un Brieve ju-
dicial, & g'nt lou home re-
covera det ou damages en
Court le Roy, donques il ave-
ra cest Brieve al Viscount luy
commaundant, que il levie
le dette & les damages des
biens celuy vers que le reco-
verie est ewe, & g'nt tous
foits deins l'an & jour, &
apres l'an luy covient sur un
Scire facias, & sil soit garnie,
& ne vient al jour, &c. ou
sil vient, & ne scavoit rien
dire, donques celuy que re-
covera avera Brieve de *Fieri
facias* direct al Viscount, que
il face luy avera execution de
judgement.

Mes si hoc recovera vers un
feme, & el prist baron deins l'
an & le jour, donques il covi-
ent que cestuy que recovera a-
vera *Scire facias* vers le baron.

Auxy est si Abbot ou Pri-
or recover & devie, son suc-
cessor deins l'an avera *Scire
facias*. Vide de ceo pluis en
le title *Scire facias*, & title
Execution.

File.

File (Filacium) filum est vel
chorda, quo Brevia & alia
Curii Exhibita trahuntur
pro meliori conservatione co-
rundem.

The Exposition of

Finders.

Finders est un parol mention en mults Statutes, come en 14. R. 2. cap. 10 17. R. 2. cap. 5. 1. H. 4. cap. 13. & 31. H. 6. cap. 5. & semble destre tout un ove ceux Officers queux ore nous appellamus Sorutatores, implique pur le trover des biens, imports ou exports sans payer del custome.

Fine.

Fine ascun foits est prise pur un summe d'argēt q̄l ascun est de payer al Roy pur ascun contempt ou offence commit p luy, quel fine, chescun que commit ascun trespass, ou que est convict, q̄ il fausement denye son fait, ou fesoit ascun chose en contempt del Ley, paiera al Roy, quel est appel *Fine* al Roy. Ascun foits *Fine* est prise pur un final concord, que est ewe enter ascuns psons touchant ascun terre ou rent, ou auter chose, dont ascun suit ou brlese est enter eux pendant en ascun Court, quel poit este en divers maners. Lun est quant l'un partie reconust ceo ceste le droit del auter, come ceo que il eit del done cestuy q̄ fesoit le reconusauns, quel tous foits suppose un feoffement precedent, & est dit *Fine* execute, ou si il reconust ceo destre le droit del auter, emittant les parols (come ceo que il eit de son done) quel esteant *Fine* sur conusans de droit

Finders.

Finders is a word used in any Statutes, as in 14. R. 2. cap. 10 17. R. 2. cap. 5. 1. H. 4. cap. 13. and 31. Hen. 6. cap. 5. and it seemes to be all with those Officers which now call Searchers, implored for the discovery of goods which are imported or exported without paying custome.

Fine.

Fine sometimes is taken for a summe of money which one is to pay to the King for any contempt or offence committed by him, which fine every one committeth any trespass, or that is convicted, that he denyeth his owne deed, or doeth anything in contempt of the Law, pay to the King: which is called *fine* to the King. Sometimes a fine is taken for a final agreement which is had between any persons concerning land or rent, or other thing whereof any suit or writ is returned them hanging in Court, which may be in two wayes. One is when they acknowledge that the right is of the other, as for instance of the gift of him that maketh recognisance, which doth suppose a feoffment given before, and is called a *fine* executed: or if he acknowledge to be the right of another, using these words (come ceo que il eit de son done) which is called a *fine* upon acknowledgment.

only, if it be letted to him
hath the freehold of the
land is a Fine upon a release.

And if hee that acknow-
ledgeth it is seised, and hee to
whom it is letted hath not the
freehold of the land, then it is
a Fine executory, which
upon the land is acknow-
ledged may execute by *Entrie*, or
Scire facias.

And sometime such a fine
for conusans de droit only is to
make a surrender: therein is
stated, that the reconusor
is in estate for life, and the
other a reversion.

And sometime it is taken to
be a reversion, where a parti-
cular estate is recited to be in
auter, and that the reconusor
shall have the other shall have
the reversion, or that the land
shall remaine to another, after
the particular estate spent.

And sometime hee to whom
the right is acknowledged, as
that hee hath of the gift of
the reconusor, shall yield the
land, or a rent out thereof to the
reconusor. And that sometime for
the whole fee. Sometime for
a particular estate, with re-
mainder or remainders over.
And sometime with reversion of
the land with distresse and grant
thereof over by the said fine.

And it is called a fine, because
thereby the suit is ended, and if
it be recorded with Proclama-
tion according to the Statute
4. H. 7. it barreth strangers.

tant, si soit levie a cestuy que
eit le franktenement del ter-
re est Fine sur release.

Et si cestuy que ceo co-
nust est seise, & celuy a que
est levie neit le Franktene-
ment del terre, donques est
dit Fine executorie, quel ce-
stuy a que le terre est conus
poit executer per *Entrie*, ou
Scire facias.

Et ascun foits tiel Fine *Sur
conusans de droit tantum* est
pur faire un surrender: lou
en ceo est repeate, que le re-
conusor eit estate pur vie, &
l'auter en reversion.

Et ascun foits ceo est ew de
passer un reversion, lou parti-
cular estate est recite de ste en
auter, & que le reconusor voit
que l'auter avera le reversi-
on, ou que le terre remaine al
auter apres le particular estate
finie.

Et ascun foits celuy a que le
droit est conus, come ceo que
il ad del done le reconusor,
rendra la fre ou un rent hors
de ceo al conusor. Et ceo ascun
foits pur l'entier fee. Ascun
foits pur un particular estate,
ove remainder ou remainders
ouster. Et ascun foits ove re-
servation d'rents ove distresse
& graunt de ceo ouster per
mesme Fine.

Et est appel fine, quia per
ceo le suit est determinee, & si
ceo soit record ove Proclama-
tion selonque lestatute 4. H. 7.
ceo barre estrangers.

The Exposition of

Fifteenth. Veies

Quinziesme.

Filacer.

Filacer venit d'l pol Francois *Filace*, id est. *Filum*, & est le nomme dun Officer en le Common Pleas, des q^x sont icy 14. en nombre. Ils sont tous les original proces la, & le distresse infinite sur summons retourne en Actions personals, & le *Capias* sur le retourne del *Nihil*. Et tous Briefes de view, en cases lou le view est prie. Et lou le appearance est ove eux ils enter l'imparlance, & le general issue en common Actions, & Iudgements per confession devant issue joyne, & sont Briefes d' Execution sur eux. Et ils sont Briefes de *Superfedeas* apres *Capias* agard, quant le Defendant apparee en leur office. Et cest Officer est mention en loistatutes de 10. Hen. 6. cap. 4. & 18. H. 6. cap. 9.

Fine force.

Fine force en nostre Ley signifie un absolute necessity, sicoe lou hoe est constreine de faire aucun chose le q^l ne poit p aucun voy avoyder, nous disom q^l il fist ceo d' *Fine force*. Et issint cest parol est use en *Perk. sect. 321.* en *Woodland & Mantels case*, en *Plowden*, fol. 94. b. & en *Eatons case* cite en *Foxlies case* & le 6. rep. f. 111. a.

Fifteenth. See

Quinziesme.

Filazer.

Filazer comes of the word *Filace*, id est, *Filum*, and it is the name of an Officer in the Common Pleas, of whome there are 14. in number. They make out all the original process there, and the distresses returne upon summons returne of personal Actions, and the *Capias* upon the return of *Nihil*. And all writs of view in cases where the view is prayed. And when the appearance is taken, and they enter the imparlance, and the General issue is common Actions, and Judgments by confession before issue joyne, and out writs of Execution upon them. And they make out *Superfedeas* after a *Capias* awarded. When the Defendant appears in their office. And this Officer is mentioned in the Statutes of 10. Hen. 6. cap. 4. & 18. H. 6. cap. 9.

Fine force.

Fine force in our Law signifies an absolute necessity, when a man is compelled to do that which he can no way avoid. We say that he doth it of *Fine force*. So this word is used in *Perk. sect. 321.* in *Maner and Woodlands case*, in *Plowden*, fo. 94. b. and in *Eatons case* cited in *Foxlyes case* in the 6. fol. 111. a.

Fines.

Finors.

Finors.

Finors are those that purifie gold and silver, and part them into gold and water from courser metals, and therefore in the Statute of 4. H. 7. cap. 3. they are called Parters.

Finors sont ceux que purifient or & argent, & eux se-
ver per feu & eau del metals
plus base & vile, & pur ceo en
lestatute de 4. H. 7. cap. 3. sont
auxy appels Parters.

Firebote.

Firebote.

Firebote is necessary word to lease, which by the Common Law, Lessee for years, or for life, may take in his ground, though it be not expressed in the lease: And although it be a word by word onely without lease: But if he take more than is needfull, he shall be punished in waste.

Firebote est necessarie boys
pur arder, quel per le com-
mon Ley, Lessee pur ans ou
pur vie, poit prender en son
terre, nient obstant il ne soit
expresse en son lease: Et ni-
ent obstant il soit un lease p
parol tantum sans fait: Mes si
il prist plus q besoigne, il sera
punie en waste.

First fruits.

First fruits.

First fruits (Primitiv) are the first of every spirituall thing for a year, which was anciently given to the Pope but by the Statute of Hen. 8. cap. 3. are now trans-
ferred to the King.

First fruites (Primitiv) sont
les revenewes d chesc spi-
ritual benefice pur un an, q
en auintient temps fueront
dones al Pape, mes per lesta-
tute de 16. H. 8. cap. 3. sont ore
transferres al Roy.

Fledwite.

Fledwite.

Fledwite, that is, to be quit from amercements, when an outlawed fugitive cometh to the King's peace of his owne accord, or being licensed.

Fledwite, hoc est, quietum esse de Amerciamētis, cum quis utlagatus fugitivus veniat ad pacem Domini Regis sponte, vel licentiatius.

Flemeswite.

Flemeswite.

Flemeswite, that is, that you may have the cattell or amercement of your man or fugitive.

Flemeswite, hoc est, quod habeatis catalla, sive Amerciamenta hominis vestri fugitivi.

The Exposition of

Fletwit.

Fletwit, ou (*Flitwit*) hoc est, quietū esse de contentione & convitiis, & quod habeatis placitum, inde in Curia vestra, & Amerciamenta, quia (*Flit*) Anglicè, est *Tonson* Galliè.

Floatsam.

Floatsam est quant un Niese est submerge, ou autrement perish, & les biens float sur la Mere, & ils sont dones al Seignieur Admiral per ses Letters Patentes, Vaies *Cooke lib. 5. fol. 106.*

Footgeld.

Footgeld, est un Amerciament pur nient prendrant hors les Balls des pees de graund Chiens en le Forrest, pur que veies *Expedite*: Et destre quit de Footgeld est un privilege d'aver Chiens irregular deins l' Forrest sauns paine ou controle. *Crompt. Inridict. fo. 197. Manwood, part 1. pag. 86.*

Forrest.

Forrest est un lieu privilege p autorite Royal, ou per prescription, pur le peaceable abode & nourishment del Beasts ou Oyseaux del Forrest, pur le disport del Roy, Pur queux ont estre en quant temps certaine peculiar Officers, Leyes, & Orders, part de queux appearont en le graund Charter de le Forrest.

Fletwit.

Fletwit, or (*Flitwit*) that is to be quit from contention and convitiis, and that you may have place thereof in your Court, the Amerciements for (*Flit*) Engli. h, is *Tonson* in Galliè.

Floatsam,

Floatsam is when a thing is drowned, or otherwise perished, and the goods float on the Sea, and they are given to the Lord Admiral by his letters Patentes. *Cooke lib. 5. fol. 106.*

Footgeld.

Footgeld is an Amerciament for not cutting out the heads of great Dogges fat in the Forrest, for which is Experte: And to be quit of footgeld is a privilege to have Dogges within the Forrest without punishment or controlement. *Crompton Inridiction, fol. 197. Manwood, part 1. pag. 86.*

Forest.

Forest is a place privileged by Royal authority, or prescription, for the peaceable abiding and nourishment of Beasts or Birds of the Forrest, for disport of the King, in which there have bene in ancient time certaine peculiar Officers, Lawes, and Orders, part of which appere in the great Charter of the Forest.

Forrester.

Forrestre is an Officer of the Forest sworn to preserve the Venison of the Forest, & to attend upon the wilde Beasts within his Bayliwick, to watch and keep them safe by night. And to apprehend all offenders there in Hertfordshire, and to present them to the Courts of the Forest to which they may be punished according to their offences.

Forfeiture of marriage.

Forfeiture of marriage is a crime that lyes for the Lord King's service against him who refuseth a convenient marriage offered him by the Lord, and marries another wife, without the assent of the Lord. And so for this Fitz. N. B. fol. 141. g. &c.

Forger of false Deeds.

Forger of false Deeds comes of the French word Forger, which signifies to frame or fashion a thing as the Smith doth his worke upon the Anvil. And it is used in our Law for the fraudulent making and forging of false writings to the prejudice of another man's right. Fitz. in his N. B. fo. 96. B. C. says that a writ of Detent lies against him that thus forgerh Deeds.

Forrester.

Forrestre est un Officer del Forest q̄ est jure p̄ preserve le Vert & Venison del Forest, & pur attender sur les Feres deins son Bayliwicke, & d̄ eux veiller & safement garder per jour & per nuit. Et pur attacher tous offenders la ou en Vert ou en Venison, & eux d̄ presenter as Courts del Forest, al intent q̄ point istela punies, solonq̄ lour delictis.

Forfeiture del marriage.

Forfeiture del marriage est un Brieve q̄ gist p̄ le Seignior en Chivaltry vers son Gard que refuse un convenable marriage tender a luy per son Seignior, & deins age marrie un auter sauns lassent son Seignior. Et veies pur ceo Fitz. N. B. fo. 141. g. &c.

Forger des faux foits.

Forger des faux foits venust de pol Francois Forger q̄ signifie fabricare confect p̄ framer & fashioner come un Forgeron son ouvrage sur le Enelume. Et est use en nre Ley pur le fraudulent fealsance & publisher des faux faits al prejudice del droit dun auter. Fitz. en son N. B. fo. 96. B. C. dit que Brieve de Disceit gist vers celuy que iñint forge aucun fait.

The Exposition of

Forjudger.

Forjudger est un judgement done en un Briefe de *M. s. n.* port per un Tenaunt envers le Mesme Seignior, que doit acquiter le Tenaunt des services demaunders per le Seignior paramount, de que le tenement est tenu, & le mesme ne voile apparee, donques judgement serra done, que le Mesme Seignior perdra son Seigniorie, & que le Tenaunt dillonques tiendra del Seignior paramount p tiels services cse le Mesme tenoit devant, & feront discharge del services qu'il rendoit al Mesme, p le Statute de *West. 1. ca. 9.* & ceo est appel un Forjudger.

Et auxy si un Attorney ou autre Officer en aucun Court soit ouste & prohibite de user ceo, il est dit destre forjudge le Court.

Formedon.

Formedon est un Briefe, & gist lou Tenant en le taile infeoffa un estrange, ou est disseisie, & devie, le heire avera Briefe de *Formedon* pur recover le terre. Mes sont trois Briefes de *formedon*. Vn est en le discender, & ceo est en le case avantdit. Auxy si un done terre en le taile, & pur default de issue le remainder a un aut en l' taile, & que pur default de tiel issue le tre revertera al Donor, si le primer Tenant & l' taile devie sauns issue, cestuy en le re-

Forjudger.

Forjudger is a judgement given in a writ of *M. s. n.* brought by a Tenant against his Lord, which should acquite the Tenant of services demanded by the Lord of whom the tenement is holden, and the Mesne will not appeare, then judgement shall be given, that the Mesne Lord shall lose his Seigniorie, & that the Tenant from thenceforth shall hold of the Lord above by such services as the Mesne held before, and shall be discharged of the services which he paid to the Mesne, by the Statute of *West. 2 cap. 9.* that is called a *forjudger*.

And also if an Attorney or other officer in any Court be put out and forbidden to use the same, he is said to be *forjudged* the Court.

Formedon.

Formedon is a writ, and lies in three cases: first, where a Tenant in fee simple is disseised, and death, the heir shall have a writ of *Formedon* to recover the land. But there be three manners of *formedon*. One is in the discender, and that is in the case before said. And if one give lands in fee simple, and for default of issue the remainder to another in fee simple, and that for default of such issue the land shall revert to the Donor, if the first Tenant in fee simple die without issue,

in the remainder shall have
 possession in the remainder:
 if the Tenant in the taile
 without issue, and he in the
 remainder also dye without is-
 sue, then the Donee or his
 heirs shall have a Formedon
 in reverter.

Forrein.

Forrein is a word adiectively
 used, and signified with divers
 significations well worthy to be
 noted: As Forrein matter
 done in another Countie,
Pl. Cor. 154. or matter done in
 another Countie, *Kitch.* fol.
 126. Forrein Plea is a refusal
 of the Judge as incompetent,
 that the matter in hand
 is not within his precincts,
Id. fol. 75. & Anno 4. H. 8.
 & Anno 22. ejusdem ca. 2.

Forrein answer, is such an
 answer as is not tryable in the
 Countie where it is made, Anno
 14. H. 6. cap. 5.

Forrein service is such ser-
 vice whereby a meane Lord holdeth
 over of another without
 the compasse of his owne fee.
Book. tit. Tenures, fo. 251. num.
 12. & *Kitch.* fo. 209. or
 that which a Tenant per-
 forme either to his owne Lord
 or to the Lord above him out
 of the fee: For of such service
 in *Bracton* lib. 2. cap. 16. num. 2.
 is meant thus.

Also there are certaine Servi-
 ces which are called Forrein, al-
 though they bee named and ex-
 pressed in the Charter of Feoffe-

mainder avera un Briefe de
 Formedon en le remainder:
 Mes si le Tenaunt en le taile
 devie sans issue, & cestuy en le
 remainder auxy devie sans
 issue, donques le Donor ou ses
 heirs avera un Formedon en
 le reverter.

Forrein.

Forrein est un parol adje-
 ctive use, & joyne ove di-
 vers substantives, bien digne
 destre expresse: come Forrein
 matter triable en auter Coun-
 tie, *Pl. Cor.* 154. ou matter fait
 en auter Countie, *Kitch.* fo. 126.
 Forrein Plee est un refusal
 del Judge come incompetent,
 pur ceo que le matter depen-
 dant ne suit deins ses limits
Kitch. fol. 75. & Anno 4. H. 8.
 cap. 2. & Anno 22. ejusdem
 cap. 2 & 14.

Forrein respons, ceo est ti-
 el respons que nest triable en
 le Countie ou il est fait, An-
 no 14. H. 6. cap. 5.

Forrein service, est tiel ser-
 vice p q un mesme Seignieur
 tient ouster d'un aut dehors le
 circuit d son fee demesne. *Bro.*
tit. Tenures, fol. 251. num. 12.
 & 28. & *Kitch.* fol. 209. ou
 autrement ceo que un Tenant
 performe ou a son Seignieur
 demesne, ou al Seignieur Pa-
 ramount hors del fee: Car de
 tiels services *Bract.* lib. 2. c. 16.
 num. 2. issint parle.

*Item sunt quedam servi-
 tia que dicuntur Forinseca,
 quamvis sunt in Charta de
 Feoffamento expressa & nom-
 nata,*

The Exposition of

Forreina, & que ideo dici possunt Forreina, quia pertinent ad Dominum Regem, & non ad Dominum capitalem, nisi cum sit propria persona profectus fuerit in seruitio: vel nisi cum pro seruitio suo satisfecerit Domino Regi quocumque modo, & sunt in certis temporibus cum casus & necessitas eveniunt, & varia nomina habent & diversa: Quandoque enim nominantur Forreina, large sumptis vocabulis, quoad servitium Domini Regis, quandoque Scutagium, quandoque Seruitium Domini Regis, & ideo Forreina dici potest, quia fit & capitur foris, sive extra Seruitium quoad sit Domino Capitali. Veles Hrb. Tenures 28. 95.

Forrein service semble estre service de Chivaler ou Escuage non certaine, Perkins, sect. 690.

Forrein Attachment est un Attachment des biens de Forreiners deins aucun franchise ou Citee par le satisfaction de ale Citizen a que le dit Forreiner doit argent.

Forrein Apposer est un Officer en l' Exchequer, a que tous Viscounts & Baylifes viendront par luy destre oppose de leur greene wax: Et de ceo il treit un charge sur le Viscount ou Baylife, al Clerke del Pipe.

Forstal.

Forstal, hoc est, quietum esse de amerciamenis & catal' arrestatis infra frām vestram,

ment, and which may be called Forrein, because it appertaineth to our Lord the King and not to the chiefe Lord, to welle when he goeth in person in person, or that hee taketh our Lord the King for service by some kind of manner, and they are performed at certaine times when occasion or necessity require, and they have divers and sundry names, sometime they are called Forrein, the word taken largely to the Kings service, sometimes Escuage, sometime service to the King, and it may therefore be called Forrein because it is done taken without or beside kin done to the Lord Paramount. See Brook, Tenures 28. 95.

Forrein Service seemeth to be Knights Service, or Escuage uncertaine, Perkins, sect. 690.

Forrein Attachment is an Attachment of the goods of Forreiners within any liberty or Citee, for the satisfaction of any Citizen to whom he is Forreiner oweth money.

Forrein Apposer is an Officer in the Exchequer, to whom all Sherifes and Baylifes be repaite by him to be apposed their greene wax: And thence he draweth down a charge upon the Sheriffe or Baylife, al the Clerke of the Pipe.

Forstal.

Forstal, that is, to be quiet of amerciamenis and catal' arrested within your franchise,

amerciaments thereof com-

& amerciaments inde prove-
nientia.

Forestaller.

Forestaller.

Forestaller is he that buyeth
wines, cattell, or other mer-
chandise, whatsover is saleable
for so long as it cometh to
hand, failes, or such like
to be sold to the intent
he may sell the same againe
at a higher and better price, to
the hurt of the common
wealth and people, &c.

Forestaller est celuy q̄ achat
blees, ains, ou aut̄ merchan-
dize quecunque est vendibl̄, p̄
le chemin q̄ il vient al Mar-
kets, Failes, ou tiels semb̄
lieux dest̄e vende, al entens q̄
il poit vender ceo aut̄ foirs al
un plus hault & chare price,
en prejudice & damage d̄ le
common-weale & gents, &c.

The pain for such as are con-
victed, is for the first time
imprisonment for two months,
the loss of the value of the
goods.

Le penaltie pur ceux queux
sont convict d̄ ceo, est l̄ prin̄
temps imprisonment pur d̄ux
moys, & perde de le value del
chose vende.

The second time imprison-
ment by the space of halfe a
year, and shall lose the double
value of the goods, &c.

Le second temps imprison-
ment per le space de demy an,
& perdra le double value des
biens, &c.

The third time imprisonment
during the Kings pleasure, and
forfeiture of the Pillory, & shall
lose all his goods & chattels,
by the Statute 5. Ed. 6. ca. 14.

Le tierce temps imprisonment
durant le pleasure le Roy, &
judgement del Pillory, & forfeit̄
a tous ses biens & chateux,
Veies le Statute 5. E. 6. ca. 14.

Founder.

Founder.

Founder is he that useth the
art of melting or dissolving
metals, and making any thing
thereby casting in molds. He
is said to have his name from
the Latine word Fundere, and
is mentioned in the Statute
17. R. 2. cap. 1.

Founder est cestuy que use
l̄ art del amolir ou dissol-
ver metals, & de faire ascun
choses deux per jecter en
molds. Semble daver son
nomme del Latine parol *Fun-
dere*, & est mention en lestat̄
de 17. R. 2. cap. 1.

Fourcher.

Fourcher.

Fourcher is a devise used to de-
lay the Plaintiffe or Deman-
dant in suit against two, which
shall not be answer till

Fourcher est un devise use a
delayer l̄ Plaintiffe ou De-
mandant e un suit envers d̄ux,
q̄ux a ceo ne sont d̄ responce
tan q̄

tan q̄ ils ambideux appeare, & l' apparance ou effoine d'un de eux voile excuser le default d'l auf a cel jour, & eux agreea, q̄ l'un de eux solement serra effoine ou appearrera al un jour, & par default del apparance del auf, avoit jour ouster de appearer, & l' autre party aua mesme le jour, & a ceo jour lauf voile appearer ou estre effoine, & cestuy q̄ devant appeeroit, ou fuit effoine, ne voile donqs appeaf, pur ceo q̄ il esperoit dau auf jour per l' adjournment del partie q̄ donqs appiert ou est effoine, ceo est appel Fourcher, & en ascuns cas le mischiese p ceo est remedie p l' Statute de Gloucest. cap. 10. & West. 1. cap. 42. que sont en le collection des Statutes, en le tide *Essoine*, 4. & 7.

Franchise.

Franchise est un parol Francois, & signifie en nostre Ley un Immunity ou exemption del ordinarie Jurisdiction, cōe pur un Corporation d' resi pleas deins eux mesmes a tiel value. &c. Et veies de ceo en vieux N.B. fo. 4. a. b.

Franches Royal.

Franches Royal est lou le Roy graunt al un & a ses heires, que ils serra quit de Tolsh, vel hujusmodi.

Frankalmoigne.

Frankalmoigne est lou en antient temps terres fuerount dones a un Abbot &

they both appeare, and the apparance or effoine of one excuse the others default day, and they agree, that one shall be effoined or appear one day, and for lack of the apparance of the other have power to appeare, and the party shall have the same and at that day the other shall appeare, or be effoined, and that appeared or was effoined before, will not then appear, cause he hoped to have one day by the adjournment of the party which then appeared, is called Fourcher, and in such cases the mischiefe thereby remedied by the Statute of Gloucest. cap. 10. and West. 1. cap. 42. which be in the collection Statutes, in the tide *Essoine*, 4. and 7.

Franchise.

Franchise is a French word and signifies in our Law Immunity or exemption from ordinary Jurisdiction, as the Corporation to hold pleas within themselves to such a value, the like. And see of this in the old N.B. fo. 4. a. b.

Franchise Royal.

Franchise Royal is where the King grants to one and his heires, that they shall be quit of Toll or such like.

Free Almes.

Free Almes is where in ancient times lands were given to an Abbot and his successors,

ne Deane and his Chap-
men in their Successors, in
and perpetual Times,
without expressing any service
this is Frankalmoign,
they are bound befoze God
to say Oylons and Prayers
for Donor and his heires,
that they doe no fealty.
If such that have lands in
Frankalmoigne, doe make no
service nor Divine Service
for soules of the Donors,
they be not compelled by
Donors to doe it, but for
they may complaine to the
Ordinary, praying him that
his negligence be no moze
than the Ordinary of right
ought to doe it.

But if an Abbot, &c. holdeth
land of his Lord for certaine
Divine Service to be done,
to sing every Friday a
Mass, or doe some other thing,
which Divine Service be not
done, the Lord may distreine,
as in such a case the Abbot
ought to doe fealty to the Lord,
wherefoze it is not said te-
nure in Frankalmoigne, but te-
nure by Divine Service, for
they can hold by Frankal-
moigne, if any certaine service
be expressed.

Franke banke.

Franke banke are Copphold
lands, which the wife being
married a virgin, hath after the
death of her husband for her
dower, Kir. fol. 102. Bract. lib. 4.
cap. 6. num. 2. hath these
words, There is a custome in

son Covent, ou a un Deane
& a le Chapf, & a leur Suc-
cessors, en pure & perpetual
Almoigne, sauns expressez a-
scun service certaine, ceo est
Frankalmoigne, & ils sont
tenus devant Dieu de fayre
Oraisons & Prayers pur la
Donor & ses heires, & pur ceo
ils ne feront fealtie, & si ti-
els que ont fies en Frankal-
moigne, ne sont ascun Prayers
ne Divine Service p les Almes
le Donors, ils ne feront p les
Donors a ceo compells, mes
pur ceo ils poyent complaine
al Ordinary, luy preyant, que
siel negligence ne soit pluis
avant, & l'Ordinarie d droit
c' doit faire.

Mes si un Abbe, &c. tient
terres de son Seignior pur cer-
taine Divine Service desir fait,
come de chaunter chesc' Ven-
derdie un Masse, ou de faire
auter chose certaine, si tiel
Divine Service ne soit fait, le
Seignior poit distreine, & en
tiel case l' Abbe doit faire a le
Signiour fealtie, & pur ceo il
nest pas dit tenure en Frank-
almoigne, mes tenure per Di-
vine Service, car nul poit tenor
en Frankalmoigne, si soit ex-
presse ascun certaine service.

Franke banke.

Franke banke sont Copihold
terres que le feme esteaunt
espouse un virgin, ad apres le
mort sa baron pur sa Dower,
Kir. fo. 102. Bract. li. 4. tract. 6.
cap. 13. num. 2. ad ceux parols,
Consuetudo est in partibus il-

In quod uxores maritorum defunctorum habent Francum bancum de terris Sockmannorum, & tenent nomine dotis. Fitz, appel c' un custome p q en ascuns Cites le feme avera tous les tres de sa baron p la Dower, N.B. fo. 150. p. Veies Plow. fo. 411.

Franke chafe.

FRanke chafe est un Franchise d Frank chafe, p que tous homes ayant terre deins cel compasse sont prohibit de succider le bois, ou discover, &c. sans le view del Forester, nient obstant que soit son demesne, *Crom. Iur. f. 187.*

Franke fee.

Tener en Franke fee e a ten en fee simple tres pleadabl' a la Common Ley, & nient en antient demesne.

Franke ley.

FRanke ley, veies *Crom. Iust. de Peace, f. 151.* ou vo' poys troisi q ceo est p le contrarie: car celuy q p un office, cõe conspiracie, perde son Franke ley, est dit de cad en ceux males: 1. Que il ne unques serra impanel sur asc' Jurie ou Assise, ou autrnt use en disant asc' voiertie: auxy sil ad ascun chose a faire en le Court le Roy, il ne ceo veia en person, mes covient a design son Atturnie: 3. Ses tres, bñs & cha-teux sont destre seise en les maines le Roy, & ses terres serroyent estreape, ses arbres

those parts, that the husbands being dead have Frankes banke of lands of mans, and hold it in dower. Fitz. call this a custome by which in some Cities the wife shall have all the lands her husband for her dower. fo. 150. & Plow. 411.

Franke chafe.

FRanke chafe is a franchise, by which men having land within the compass are prohibited to do downe the wood, or discover without the view of the Forester, although it be his demesne. *Crom. Iur. fo. 187.*

Franke fee.

TO hold in Franke fee is to hold in fee simple and not in ancient demesne.

Franke law.

FRanke law, see *Crom. Iust. de Peace, fo. 151.* where you find what this is by the contrary: for he that for an offence as conspiracy, loseth his Frankelaw, is said to fall into the mischiefes: first, that he never be impanelled upon a Jury or Assise, or otherwise used in saying any truth: secondly, if he hath any thing to do in the Kings Court, he shall not approach thither in person: 3. His lands, goods, and chattels are to be seised into the Kings hands, & his lands must be

be rooted up: and his
 married to prison.

Free marriage.

A marriage is when a man
 of lands in fee simple,
 doth give to another man or his
 wife the daughter, after
 the wife of him to the Do-
 nor in the marriage, by vertue
 of which words they have an
 especial taile, and shall
 have the land of the Donor
 in all manner of services,
 to the fourth degree he past,
 marrying themselves in the
 fourth degree, except fealty, which
 they shall doe, because it is in-
 herent to all tenures, saving
 the same. And such gift may
 be made as well after marriage
 as before. And a man may
 give lands to his son or
 daughter, as well as to
 his wife, by the opinion of
 Fitz in his Treatise of Cham-
 pertie, H.

But it appeareth otherwise
 in Littleton, & in M. Brooke,
 in Frankmarriage, pla. 10. And
 it was holden clear in Gays
 in Lent, an. 1576, 18. Eliz.
 in the Worshipfull M. Rhodes,
 in Bander there.

Freehold.

Freehold is an estate that a
 man hath in lands or tene-
 ments, or profit to be taken in
 fee simple, taile, for terme of his
 life, or for terme of an-
 other mans life in dower, or by the
 custom of England: and un-
 less there is no freehold,

eradicate, & son corps com-
 mune al prison.

Frank marriage.

Frank marriage est qut un
 home seisie de terre en fee
 simple, done ceo al aurer hbe,
 & a sa feme, q est file, soer,
 ou autrement de kinne al Do-
 nor in frankmarriage, p vertue
 de qux parols ils ont un estat
 en special taile, & tiendra le
 terre del Donor quitte d'touts
 maners des services, tanq le
 quart d'gree soit passe, accom-
 tant eux mesmes en l'prim d'-
 gree, si non fealtie, qux ils fie-
 ront, pur ceo q est incident a
 tous tenyres, forsque Frank-
 almoigne. Et tiel done poit
 estre fait ciblyen apres mari-
 age solemnize, come devaunt.
 Et home poit done tres a son
 fils en frank marriage, cybien
 come a son file, p l'opinion
 de M. Fitzherbert en sen Bfe,
 de Champerty, H.

Mes il appiert auzment en
 M. Littleton, & en M. Brooke,
 tit. Frankmarriage, pla. 10. Et
 issint il fuit tenus clere en
 Greys Inne & Lent, An. 1576.
 18. Et per le Worshipful M.
 Rhodes, donqs Lector la.

Franktenement.

Franktenement est un estat
 que home ad en terres ou
 tenements, ou profit a pren-
 der en fee simple, taile, pur
 terme de son vie demesne, ou
 pur terme dauñ vie en dower,
 ou per le curtesie D'engltre.
 Et south ceo il nest franktene-
 ment

The Exposition of

ment, car il que ad estate pur
ans, ou tient a vol, nad aucun
franktenement, mes ils sont ap-
pels chatels.

Et de franktenement il y ad
deux sorts, viz. franktenement en
fait, & franktenement en Ley.

Franktenement en fait est qnt
un home ad entre de terres ou
tenements, & est seisie de ceo
realment, actualment, & en fait.
Sicome le pere seisie de tres
ou tenements en fee simple, & vi-
vie, & son fils ent eux cõe
heire a son pere, donqs il ad
un franktenement en fait per
son entree.

Franktenement en Ley est
qnt terres ou tenements sont
descendus a un home, & il
poit enter en eux quant a luy
pleist, mes nad unc' fait son
entree en fait, come en le case
avaunt dit, si le pere esteant
seisie de tre & fee simple devie
seisie, & ils descend a son fils,
mes l' fils nad unc' ent en fait
en eux, ore dev'it son entree il
ad un franktenement en Ley.

Fresh force.

Fresh force (*frisca fortia*)
est un force comise d'ins alc'
Citie ou Borough, cõe p dis-
seisin, abatement, intrusion, ou
deforcement des alcüs tres ou
tenements deins le dit Citie
ou Borough. Par redresser de
q tort, cestuy q droit ad poit
per l'usage de dit Citie ou Bo-
rough aver son remedy sauns
Briefe, p un Assise ou Bill de
fresh force, port deins 40.
jours apres le force com-

for he that hath estate by
or holdeth or will, but they are
chateis.

Two of Freshholds there
two sorts, viz. freshhold in fact
and freshhold in law.

Freshhold in fact is when
man hath entered into lands
tenements, and is seised
really, actually, and in
fact the father seised of
or tenements in fee simple
and his son enters into
same as heire to his father
then he hath a freshhold in
by his entry.

Freshhold in law is when
lands or tenements are be-
ded to a man, & he may enter
to them when he will, but
not yet made his entry
as in the case aforesaid. If
father being seised of lands in
simple die seised & they be-
to his son, but the son hath
entered into them in due
before his entry he hath a
hold in law.

Fresh force.

Fresh force (*frisca fortia*) is
force committed in any
or Borough, as by disseisin,
abatement, intrusion, or de-
ment of any lands or tenements
within the said Citie or Bo-
rough. For the redressing of
which wrong, he that hath right
may by the usage of the law
ty or Borough have his remedy
without writ, by an Assise or
Bill of fresh force brought
in 40 days after the force com-

and title to him accrued: in
action he may make his
election to sue in the nature
of what he will. And see
matter Fitzh. Nat. Bre.
C. and old N.B. fo. 4. a.

Fresh suit.

Fresh suit is when a man is
robbed, and the party so rob-
bed followeth the felon imme-
diately, and takes him with the
law, or otherwise, and then
makes an appeal against him
to convince him of the felo-
ny by verdict, which thing being
proved of for the King, and
then the party robbed shall
have restitution of his goods a-

And it may be said, that the
party made fresh suit, although
he take not the thief presently,
but that it be halfe a yere or a
more after the robbery done be-
fore he be taken, if so be that
the party robbed doe what lieth
in him, by diligent enquiry
to search to take him, yea, al-
though he be taken by some
other body, yet this shall be said
fresh suit.

And so fresh suit is when the
owner commeth to disreine for
the service, and the owner
of the beasts doth make rescous
and driveth them into anothers
land that is not holden of the
owner, and the Lord followeth
him and taketh them, this
is called fresh suit. And so in
all the cases.

mise, ou ticle a luy acrué : En
quel action il poit faire son
protestation de suer en le na-
ture d' q'l Brieve q' il voit. Et
veies p' c' matter Fitzh. N.B.
fo. 7. C. & vieux N.B. fo. 4. a.

Fresh suit.

Fresh suit est quāt un homie
est robbe, & le partie is-
sint robbe pursua le Felon
immédiatement, & luy prist
ove le manner, ou autrement,
& donques port un appeale
envers luy, & luy convince
del felonie per verdict, le quel
chose esteant enquire pur le
Roy & trove, le partie robbe
avera restitution de ses byens
arere.

Item il poit este dit, que le
partie fait Fresh suit, nient ob-
stant que il ne prist le Felon
presentmt, mes q' il soit demy
an ou un an apres le robberie
fait devant que il soit prise, si
soit issint que le partie robbe
fait tant que en luy est, per di-
ligent enquiry & search d' luy
prendre, nient obstant que il
est prise p' un aut homie, un-
ce o serra dit Fresh suit.

Et issint Fresh suit est quāt
le Seignior vient pur di-
strein pur rent ou service, & l'
owner des beasts fait rescous,
& enchase eux en auters ter-
res que nest tenus del Seigni-
our, & le Seignior ensue pre-
sentment, & reprist eux, cest
appel Fresh suit. Et issint en
auter semblables cases.

The Exposition of

Friperer.

Friperer est un parol use en lestatute de 1. *Iac. c. 21.* pur un sort des Brokers. Et semble destre un parol prise del Francois (*Fripier*) interpolare, & par ceo un Friperer est un que use de polir vieux vestiments pur vender arere.

Friperer.

Friperer is a word used in the Statute of 1. *Iac. ca. 21.* of a kind of Broker. And it seemeth to be a word taken from the French word (*Fripier*) to pick up old things, and therefore Friperer is one that uses to pick up old clothes to sell again.

G.

Gable.

Gable, *Gablum*, est en ancient Records un vieux parol q̄ signifie un rent, dutie, custome, ou service yeeld ou fait al Roy ou asc' auter Seignieur, Veies le Comment in *Little. fo. 142. a.*

Gager de deliverance.

Gager de deliverance est lou un sua Replevin de biens prise, mes il nad deliverie des biens, & l'auter avowa, & le Plaintife monstra que le Defendant est uncore possesse des biens, &c. & pria que le Defendant gagera deliverance, nonq̄s il mitra eins suretie ou pledge pur l' redeliverance, & un Brieve issira al Viscount pur redeliverer les biens, &c. Mes si home claime propertie, il ne gagera deliverance.

Auxy si die que l' avers sont mors en le Pound, il ne gagera, &c.

Auxy home ne gagera jam-

G.

Gable.

Gable, *Gablum*, in ancient Records is an old word that signifies a rent, dutie, custome, or service yeeld done to the King or any other Lord, See the Comment in *Little. fo. 142. a.*

Gager de deliverance.

Gager de deliverance is to take one sueth a Replevin of goods taken, but he hath not the deliverie of the goods, or other avoweth, & the Plaintife sheweth that the Defendant is yet possessed of the goods, &c. and prayeth that the Defendant may gage the deliverance, then he is put in surety or pledges for the deliverance, and a writ shall go forth to the Sherife for to redeliver the goods, &c. But if a man claime property, he shall not gage deliverance.

And if he say that the beasts be dead in the Pound, he shall not gage, &c.

Also a man shall never gage

deliverance befoze that they
be issue, or demurrer in the
Ley, as it is said.

Gainage:

Gainage (Wainagium) seemes
to come from the French
word, Gaignage. id est, gaine or
gain, but in our Law it signi-
fies the profit most properly that
cometh by the tillage of land.
Therefore in the Statute of
Mag. Chart. ca. 14. it is enacted
that a Villaine shall be amerced
for his gainage, & in West. 1.
cap. 6. saving his gainure, & in
cap. 7. it is enacted that he that
doth any of the deliverance
of his beasts by Replevin, shall
render unto the Plaintiffe his
double damages, which hee
hath sustained in his beasts, or
his gainage disturbed, &c.
And by the Statute of distres
of the Exchequer made in 51.
it is enacted, That no man
of religion or other shall be di-
stressed by the beasts that gaine
his land.

Gaole.

Gaole or Gayle, cometh of the
French word (Geole) which
signifies a cage for birds, but
metaphorically is used for a pri-
son. And from thence the keeper
of the prison is called a
Gaoler or Gayler.

Garbe.

Garbe cometh of the French
word (Garbe vel Gerbe) which
signifies a bundle or sheaf.
And this word is used in the

mes le deliverance avant que
ils soient a issue, ou demurrer
en Ley, ut dicitur.

Gainage.

Gainage (wainagium) sem-
ble de venir del parol
Francois Gaignage, id est, qua-
estus sive lucrum, mes en nostre
Ley il signifie l' profit plus pro-
prement q venust del tillage del
terre. Et pur ceo en le statute d
Mag. Chart. ca. 14. est enact q
un Villaine sera amerce sal-
vo wainagio suo, & en West. 1.
cap. 6. save son gainage, &
cap. 17. est enact q celui q de-
force asc' del deliverance des
avers per Replevin, rendra al
Plaintiffe le double des dami-
mages queux il ad receive de
ses avers, ou de son gainage
disturbe, &c. Et per le Sta-
tute de Districcione Scaccarii
fait en 51. Hen. 3. est enact;
Que nul home de religion
ou auter serroit distreine per
les avers que gaine son
terre.

Gaole.

Gaole ou Gayle venust de
parol Francois (Geole)
id est, Caveola, mes me-
taphoricè est use pur un pri-
son. Et de ceo le Gardian del
prison est appel un Gaoler ou
Gayler.

Garbe.

Garbe venust del Francois
(Garbe ou Gerbe) id est,
fascis. Et cest parol est use
en le vieux Statute appel
Z 2 charta

The Exposition of

Charta de Foresta, cap. 7. lou Herbas en le Latine est translate Garbe en Anglois.

Garble.

Garble est de sortir & selecter le bone chose de le male, cōel' Garbling d Bowstaves, *An. 1. R. 3. cap. 11.* & le Garbling d Spice est reins aut forsç de purifie deo del drosse ove q il est mixe. Veies d ceo a large en le Statute, *1. I. ac. cap. 19.*

Gardein des spiritu- alties.

Gardein des spiritualties est celuy a que le spiritual jurisdiction est commise durant le vacancie del See, *Anno 25. H. 8. cap. 21.*

Garrantie des Charters.

Garrantie des Charters est un Briefe, & gift lou alē fait est fait que comprehende clause d Garrantie, cest ascaivoire, *Dedi ou Concessi*, ou cest parol *warrantizabo* & si le Tenant soit implead per un estrange, si soit en Assise, ou tiel acc' lou il ne poit vouch a garrantie, donqs il avera cest Bre vers son feoffor ou son heir, & si le Bre soit recover vers luy, il recovers tant del terre en value vers cestuy que fist l' Garrantie. Mes cest Bricte covient este use pendaunt le primer Briefe vers luy, ou autermēt il ad perde son advantage.

Auxy sur Garrantie en Lev, comē sur homage auncestre l,

Stat. called Charta de Foresta. c. 7. where Herbas in the Latin translated Garbo in the English.

Garble.

Garble is to sort and chuse the good from the bad, as the Garbling of Bowstaves Anno 1. Rich. 3. cap. 1. and the Garbling of Spice is nothing else but to purifie it from the drosse with which it is mixed. See of this at large in the Statute of 1. I. ac. cap. 19.

Gardein des spiritu- alties.

Gardein of the spiritualties is he to whom the spiritual jurisdiction is committed during the vacancy of the See Anno 25. H. 8. cap. 21.

Garranty of Charters.

Garranty of Charters is a writ, and it lieth where a deed is made that comprehends a clause of warranty, that is to say, *Dedi or Concessi*, or the word *Warrantizabo*, and if the Tenant be impleaded by a stranger. If it be in assise or such action where he may not vouch his warranty, then he shall have the writ against his feoffor or his heir, & if the land be recovered against him, he shall recover as much land in value against him that made the warranty. For this writ ought to be sued, having the first writ against him or else he hath lost his advantage.

Also upon a warranty in the Law, as upon homage auncestre l,

and, upon rent reserved up=
for terme of life, or a
in the taile, a man shal have
of Warranty of Char=
ers, but not upon Escuage.

Garrantie.

Garrantie is in three man=
ers, that is to say, Gar=
ranty Lineall, and Garrantie
Collateral, and which begin=
by disseisin.

Warranty Lineall is where a
man seised in fee, or in taile, ma=
th a feoffment by his deed to
another, and bindeth him & his
heirs to warranty, and hath if
he son, and dieth, & the war=
ranty descendeth to his sonne,
that is Lineall Warranty, for
that if no deed with war=
ranty had been made, then the
right of the lands should have
descended to the sonne, as heire
to his father, and he shall con=
vey the descent from the father
to the sonne. But if the Tenant
in taile discontinue the taile,
and hath issue and dieth, and the
heir of the issue releaseth to
the discontinuer with warran=
ty, and dyeth without issue,
that is a Collateral Warran=
ty to the issue in the taile, for
the Warranty descendeth
to the issue, the which may
convey him to the taile by
the name of his Uncle. And in e=
very case where a man deman=
deth lands in fee taile by writ
of Formedon, if any Ancestour of
the issue in the taile which hath
disseised, or which hath not
disseised, taketh a Warranty,

ou sur rent reserve sur lease a
terme de vie, ou done en le
taile, home avera Brieve de
Garrantie de Charters, mes
nemy sur Escuage.

Garrantie.

Garrantie est en trois man=
ners, cestascavoir, Gar=
rantie Lineal, & Garrantie
Collateral, & que commence
per disseisin.

Garrantie Lineal est lou
home seise en fee, ou en taile,
fait feoffement per son fait
a un autre, & oblige luy
& ses heires a Garrantie, &
ad issue fitz & morust, & le
Garrantie descend a son fitz,
ceo est Lineal Garrantie, pur
ceo que si nul fait ove Gar=
rantie ust este fait, donques le
droit des terres descenderoit
al fitz, come heire a son pere,
& il conveyroit le descent de
le pere a le fitz. Mes si Te=
nauat en le taile discontinua
le taile, & ad issue & devie,
& l' Uncle del issue releffa al
discontinuer ove Garrantie,
&c. & morust sauns issue,
ceo est Collateral Garrantie
al issue en le taile, pur ceo
que le Garrantie descend sur
l' issue, le quel ne poyt soy
conveyer a le taile per le
meane de son Uncle. Et en
chescun case lou home de=
maunda terres en fee taile
per Brieve de Formedon, si
ascun Auncestor del issue
en le taile que avoir posses=
sion, ou que navoit posses=
sion, fait un Garrantie, &

The Exposition of

Cestuy que sue le Briefe de Formedon, per possibilitie per matter que puisloit este fait, puisloit conveyer a luy title per force del done p celuy q fist le Garrantie, &c. ceo est donques un Lineal Garrantie, & per tiel Lineal Garrantie, l'issue en le taile ne serra barre, sinon que il ad assets a luy descendus en fee simple: Mes si il ne poit per nul possibilitie que poyt este, convey a luy title per force del done per celuy que fist le Garrantie, donques ceo est un Collateral Garrantie, & per tiel Collateral Garrantie, le issue en le taile serra barre sauns ascuns assets. Et l'cause q tiel Collateral Garrantie est un barre al issue en le taile, est pur ceo que tous Garranties, devant le Statute de Gloucester, queux descendant a ceux queux sont heyres a eux que fesoient les Garranties, fueront barres a mesme les heires a demaander ascuns terres, forspise les Garranties, que commence per disseisin, & pur ceo que le dit Statute ad ordaine, Que le Garrantie del pere ne serra barre a son fis pur les terres que veigne del heritage le mere, ne le Garrantie de le mere ne serra barre al fis pur les terres que veigne del heritage del pere, per le Statute de 11 Hen. 7. cap. 20. & nul de les Statutes ad fait ne ordaine remede encontre le Garrantie que est

and hee that sueth a Formedon by possibilitie per matter that may bee done, convey to him title by force of the gift by him that made the Warrantie, &c. that is to say a Lineall Warrantie, and by such a Lineall Warrantie the issue in the taile shall not be barred, except that he have assets to him descended: But he may not by no possibility that may be, convey to him title by force of the gift by him that made the Warrantie, then that is a Collateral Warrantie, and by such Collateral Warrantie, the issue in the taile shall be barred without any assets. And the cause that such a Collateral Warrantie is a barre to the issue in the taile, is for that before the Statute of Gloucester, which was made in the first year of Edward the first, all Warranties before the Statute of Gloucester, which were descended to them which be heirs to them that made the Warranties, were barres to the heirs to demand any lands except the Warranties began by disseisin, and for that the said Statute hath ordained, That the Warrantie of the father shall be no barre to his sonne for the lands which come of the heritage of the mother, nor the Warrantie of the mother shall be no barre to her sonne for the lands which come of the heritage of the father, by the Statute 11 Hen. 7. cap. 20. and none of the Statutes hath made nor ordained remedy against the Warrantie

Collateral to the issue
the taile, and therefore the
warranty that is Collateral
to the issue in the taile, is yet
in his force, and shall bee a
barre to the issue in the taile,
as it was before the Statute.
And it behooveth that all War-
rants, whereby the heire shall
be barred, that the Warranty
be made by course of the com-
mon Law, to him which is heire
of him that made the War-
rant, or else it shall be no barre,
as if the Tenant in the taile of
the Borough English,
where the yongest sonne shall
inherit by the custome, disconti-
nue the taile, and hath issue
children, and the Uncle relea-
seth to the Discontinuee with
Warranty and dyeth, and the
yonger sonne bringeth a For-
medon, yet he shall not be bar-
red by such warranty. *Causa qua*
supra. And if any man make a
discontinue with Warranty, where-
by his heire should bee barred,
and after he that made the War-
ranty be attaint of Felony, then
his heire shall not be barred by
such Warranty, for that that
Warranty might not dis-
continue upon him, for that that the
land is corrupt.

Warranty beginning by Dis-
seisin, is if the sonne purchase
lands, and after let the lands
to his father for terme of yeers,
and the father by his deed
relateeth a stranger, and bind-
eth him and his heires to War-
ranty, and the father dyeth,
whereby the Warranty discon-

Collateral al issue en le
taile, & pur ceo le Gar-
rantie que est Collateral al
issue en le taile, uncore est
en sa force, & serra barre
al issue en le taile, come il
fait devaunt le Statute.
Auxy il covient que tous
Garrantie, per que ascun
heire serra barre, que le Gar-
rantie descend per course del
common Ley, a celuy que est
heire a luy que fist le Gar-
rantie, ou autermét il ne serra
barre, car si le Tenant en le
taile des fies en Borough En-
glish, lou le puisne fies inher-
tera, per le custome, disconti-
nua le taile, & ad issue deux
fitz, & l' Vncle releffa al
Discontinuee ove Garrantie
& devie, & le puisne fitz port
Formedon, uncore il ne serra
barre per tiel Garrantie, *Cau-*
sa qua supra. Auxy si ascun
home fait ascun fait ove Gar-
rantie, per quel son heire ser-
roit barre, & celuy que fist
le Garrantie soit attaint de
Felonie, donques son heire
ne serra barre per tiel Gar-
rantie, pur ceo que tiel Gar-
rantie ne puit discender sur
luy, pur ceo que le sanke est
corrupt.

Garrantie commençant p
disseisin, est si le fitz pur-
chase terre, & puis leffa le ter-
re a son pere pur terme d'ans,
& le pere pur son fait de c' en-
feoffa un estrange, & oblige
luy & ses heires a Garrantie,
& le pere devie, per quel le
Garrantie discende al fitz,

The Exposition of

uncore cest Garrantie ne barrera my le fitz, mes le fitz bien poit enter nient obstant cel Garrantie, pur ceo que cest Garrantie commensast p disseisin, quaut le pere fist le feoffement, que suit un disseisin al fitz. Et come est dit de pere, issint poit este d' de chescun auter Auncestour. Et mesme le Ley est si l' auncestor soit Tenaunt per *Elegit*, ou per Statute Merchant, & fait ascun feoffement ove Garrantie, siels Garranties ne serront barres, pur ceo que ils commencent per disseisin.

Garrantie.

Garrantie est quant un est lie al auter q ad ere, de garantir le terre a luy, le quel poit commencer per deux meanes, cest a s'avoire, per act del Ley. Come si un & ses Aucestors ont tenus terre del auter & ses Aucestours per temps dont memorie de court per Homage, que est appelle homage Aucestrel: Ou per l'act del partie que graunt per fait ou fine al Tenaunt del terre de Garrant ceo a luy: Sur quel Garrantie si le Tenaunt soit impleade per luy que doit garrant, ou ses heires, le Tenaunt barra le demaundant per pleader del Garrantie vers luy, que est appelle *Rebuter*: Ou si soit empleade per auter en action, en que il poit vouch, il vouchera cestuy que Garrant, ou ses

der, to the sonne, per warranty shall not barre the sonne, but the sonne may begin his writ standing his warranty, for that that this warranty began by disseisin, the father made the feoffment, which was a disseisin of the sonne. And as it is of the father, so it may be of every other Auncestor. And the same Law is, if Auncestor be Tenaunt by Elegit, or by Statute Merchant, to make a feoffment with warranty, such warranty shall be bars, because they begin by disseisin.

Garrantie.

Garrantie is when one is bound to another which hath land to warrant the land to him, he may begin two waies; that is to say, by deed of Law as if he & his Aucestors hath held land of another and his Aucestors time out of minde by homage, which is called Homage Aucestrel: Or by deed of the party which graunteth by deed or fine to the Tenaunt of the land to warrant it to him: In which warranty, if the Tenaunt be impleaded by him which ought to warrant, or his heires, the Tenaunt shall barre the mandant by pleading of the warranty against him, which is called *Rebuter*: Or if he be impleaded by another in an action wherein he may vouch, he shall vouch him which warranted, or his heires, and if he

recober the Tenant
recober in value against
heire.

heires, & si le Plaintife reco-
ver, le Tenant recouvrera en va-
lue vers le Vouchee.

Garrantie del jour.

Garrantie del jour.

Garrantie del jour, les for that
Warrantia dici.

Garrantie del jour, veies þ
ceo Warrantia dici.

Gard.

Gard.

And is when an Infant
whose Ancestour held by
his Service is in the
keeping of the Lord
whom those lands were hol-
den. And if the Tenant hold
divers Lords divers lands,
the Lord of whom the land is
held by priority, that is to
say by the moze elder tenure,
shall have the Wardship of the
Infant: But if one tenure be
as old as the other, then hee
first happeneth to have the
ward of the body shall keepe it:
And in that case every Lord
shall have the ward of the land
that is holden of him. But
if the Tenant hold any land
of the King in chiefe, then hee
his Prerogative shall have
the ward of the body, and of all
the land that is holden of him,
and of every other Lord.

Gard est quant un Enfant
quel Auncestor tient per
Service de Chivalrie, est en le
gard & custodie de le Seigni-
our de que ils fuerount tenus.
Et si le Tenaunt tient de di-
vers Seigniours divers terres,
celuy Seignior de que il tient
per priorite, cestascavoir,
per le plus aultient tenure,
avera le garde del Enfant:
Mes si un tenure soit auxy
aultient que l'auter, donques
celuy que primes happa le
garde de le corps, gardera
ceo: Mes en ceo case chescun
Seignior avera le garde del
terre que est tenus de luy.
Mes si le Tenant tient ascun
terre del Roy en chiefe, donqs
le Roy per son prerogative a-
vera le garde del corps, & de
tout le fre que est tenus d luy,
& de chescun auter Seignior.

Also there be divers writs of
guard, one is a writ of right of
guard, and that lyeth whereth
the Tenant dyeth, his heyre within
the age, and a stranger enters into
the land, and hapneth to have the
ward of the body of the Infant.
Another writ of judgment of ward
is where a man is put out of
the ward of the land without
the ward of the Infant.

Auxy sont diyers Brieves de
garde, un est Briefe de droyt
de gard, & gist lou le Tenant
devie, son heire deins age, &
un estrange entra en le terre,
& happa le gard le corps de
l'Enfant.

Briefe d Ejectment de gard
gist lou homme est ouste de la
gard de terre, sans le corps d
l'Enfant.

Briefe

The Exposition of

Briefe de Ravishment de
gard gift lou le corps est prise
de luy solement, & nient le
terre.

Gardeine.

WArdeine ou Gardeine plus
properment est celuy que
ad le gard ou custodie d'un
heire & de son terre tenus
per Service de Chivalrie, ou
de un de eux, a son use de-
mesme, durant le nonage del
heire, & deins cest temps ad le
bestowing del corps del heire
en mariage al son vol' sauns
disparagement.

Et d' Gardeines il y ad d' ux
forts, nismeint, Gardeine en
droit, & Gardeine en fait.

Gardeine en droit est celuy
q' p' reason de son Seigniorie
est seisie d'l gardship ou custo-
die del fre, & del heire, durant
le nonage del heire.

Gardeine en fait est lou le
Seignior ap's son seisin, come
avantdit, gran a per fait, ou
sans fait le gardship del terre,
ou del heire, ou del ambideux,
aun auē, p' force de q'l grant
le grauntee est en possession,
donques est le grauntee appel
Gardein en fait.

Et cest Gardeine en fait
poit grant le heire al auē auxy:
Mes cest auter nest proper-
ment appel Gardeine in fait,
car ceo nest l' grantee del
Gardeine en droit solement.

Mes le Gardeine en Socage
ad le profit solement ad use
del heire jelsque il ad accom-
plish l' age de 14. ans, &

A briefe of Ravishment
ward lyeth where the body
taken from him onely, and
the land.

Wardeine.

WArdeine o' Gardeine
properly is he that
the wardship o' keeping of
heire, and of his land holden
Knights Service, o' of
them to his own use, during
nonage of the heire, and
that time hath the bestowing
the body of the heire in ma-
riage at his pleasure, without
paragement.

And of Wardeines there
two sorts, namely, Gardeine
in right, and Gardeine in fact.

Gardeine in right, is he
by reason of the Seigniorie
seised of the wardship o' keep-
ing of the land, and of the heire
during the heires nonage.

Gardeine in deed is he
the Lord after his seisin,
aforesaid, granteth by deed
without deed the wardship
the land, o' of the heire,
both to another, by force
which grant the grantee is
possession, they is the
called Gardeine in deed.

And this Gardeine in
may grant the heire to another
also: but that other is not
properly called Gardeine in
for that it is the grantee of
Gardeine in right only.

But the Gardeine in deed
hath the profit onely of the
of the heire, untill he accom-
the age of 14. years, and

Therefore an account to the
more hereof, Little-
1. cap. 4. & 5. And Stam-
upon the Statute of Prero-
1. 2. & 6.

Church-wardens.

Church-wardens are Officers
chosen in every Parish, to
the care and custody of
Church goods, and they
have an action for the
of the Church, and di-
other things they may doe
the benefit of the Church, &
the Stat. of 43. El. ca. 2. they
to joyne with the Overseers
the making of rates and o-
provisions for the poore of
Parish.

Garnishment.

Garnishment is if an Action
of Detinue of Charters be
brought against one, and the De-
fendant saith, That the Char-
ters were delivered to him by the
Plaintife, and by another upon
certain conditions, and prayeth
that the other may be warned
to plead with the Plaintife, if
the conditions be performed or
not, and thereupon a writ of
Habeas facias shall go forth against
him, and that is called Garnish-
ment, and the other when hee
shall plead with the plain-
tife, and it is called enterpleader.

Gaveler.

Gaveler is a speciall and an-
cient kind of Cessavit, used
in Kent where the custome of
Gavelkind continueth, whereby

rendr pur ceo account al
heire. Vide pluis de ceo, Littl.
lib. 2. cap. 4. & 5. Et Stamford
sur Statute de Prerogat. cap. 1.
2. & 6.

Gardeins del Esglise.

Gardeins del Esglise sont
Officers elects en chescun
Paroisse, pur aver l' care & cu-
stodie d's biens d'l Esglise, &
ils poient aver un action p' les
biens d'l Esglise, & divers auf
choses ils poient faif pur l' be-
nefit lesglise, & p' lestatute de
43. El. ca. 2. ils doivent joindr
oves q' les surveyers en le fea-
sance des rates & auters pro-
visions pur les povers del Pa-
roisse.

Garnishment.

Garnishment est sicome un
Action d' Detinue des
Charters est port vers un, & le
Defendant dit, Que les Char-
ters fueront deliver a luy per
le Plaintife, & per un auter sur
certaine conditions, & pry-
e que l' auter soit garnie de
pleader ove le plaintife, si les
conditions sont perimples ou
nemy, & sur ceo un Briefo de
Scire facias issira vers luy, &
ceo est appel Garnishment, &
l'auter quant il vient ejus
pleadra ove l' Plaintife, & ceo
est appel enterpleader.

Gavelate.

Gavelate est un special &
antient kind de Cessavit,
use en Kent lou le custome de
Gavelkind continue, per quel
le Te-

The Exposition of

le Tenant forfeita ses fies & tenements al Seignior de que ils sont teaus, sil deteine de son Seignior ses due rents & services, solönque cest manñ que ensuist :

Si ascun Tenant en Gavel-kind retaine sa rent & ses services de le tenement que il tient de son Seignior, q̄rge le Seignior pur agarde de sa Cour de trois semaines en trois semaines, de trover distresse sur cel tenement jesque a le quart Court, a tout foits per testimoignes.

Et si deins cel temps ne trova distresse en cel tenement, per queux il puisse son tenant justifier, donques a la quart Court soit agarde, que il preigne cel tenement en sa maine, en nosme de distresse, auxy come fust Boefe ou Vache, & le tient un an & un jour en sa maine, sauns maine-overter : deins quel terme si le Tenaunt vient, & rende ses arrerages, & fait reasonable amends de la deteygner, adonc' eyt & enjoy son tenement, sicome ses Auncestours & luy avaunt tiendront. Et sil ne vient devaunt l'an & le jour passe, donq̄ avage le Shr al pchein Countie Court, suyant ove testimoignes de sa Court, & face la pronouncer cel pcesse par testimonage auñ, & per agard de sa Court (apres eco Countie tenus) enf & meynovera en cels fies & tenements, sicome en son demesne.

the tenant shall forfeit his or tenements to the lord whom they are holden, withdraw from his due rents and services, this manner as followeth.

If any Tenant in Gavel-kind withhold his rents and services of the tenement holden of his Lord, let the lord seek by the award of his Court from three weeks to three weeks to finde some distress upon the tenement, until fourth Court, always with witness.

And if within that time can finde no distress in the tenement, whereby he may have justice of his Tenant, let the fourth Court let it be taken, that hee shall take the tenement into his hand in case of a distress, as if it were Ox or Cow, and let him have it a yere and a day in his hand without manuring it : within which terme, if the Tenant come and pay his arrears and make reasonable amends for the withholding, then let him have and enjoy his tenement as his Auncestours have before held it : and if he come before the yere and day, then let the Lord go to the County Court with his witness of his owne Countie, and pronounce there this process, have further witnesses, by the award of his Court (where the County Court holden) to enter and manure in the tenement and tenements as in his

if the Tenant come as-
pres, and will rehave his
tenement, and hold them as he
willeth, let him make agree-
ment with the Lord, according
to an anciently said.

And he not since any thing
more, nor hath he not since any
more, then let him pay
to his were, ere before he
becometh tenant or holder againe.

10. H. 3. Fitzh. Cessavit
10. H. 3. Fitzh. Cessavit
and Stat. 10. Ed. 2. of
the Statutes, London 2.

much tending to this
that by this word Ga-
velkind the Lord shall have the
cessing of the Te-
nant. And see Westm. 2. cap. 21.
Cessavit.

There be some Copies which
the first Verse thus writ-

with yelde, and nifith gelde.
And others thus:

Nighefith yeld, and nighefith
geld.

These differ not in signi-
fication: other Copies have it
thus writ:

Nigondfith feld, and nigond-
fith geld.

And to say, Let him nine
times pay, and nine times re-

Gavelkind.

Gavelkind is a custome an-
cient, and going with lands
there, called Gavelkind
holden by ancient So-
cage tenure. And is thought by
many in Antiquities, to

Et si le Tenaunt vient a-
pres, & voyle reaver ses tene-
ments, & tener sicome il fist
devaunt, face agree al Seigni-
our, sicome il est auintient-
ment dit.

Neghefith selde, & neghe-
fith gelde, & v. li. for the
were, er hee become healdre.
Vide de ceo, 10. Henric. 3.
Fitzherbert, Cessavit 60. &
Statute 10. Edw. 2. de Gave-
les en London, en la Col-
lection del Statutes, London
2. matter tendant mult a
cel purpose, que per cel pa-
rol Gavelet, le Seignior a-
vera le terre pur cesser le
Tenaunt. Et veies Westmo-
nast. 2. cap. 21. que done
Cessavit.

Il y ad ascun Copies que
ad le primer Verse issint e-
script:

Nifith yelde, & nifith gelde.

Et auters issint:

Nighefith yeld, & nighefith
geld.

Mes ceux ne differ en signi-
fication: auters Copies ont ceo
solouque cest sort.

Nigondfith feld, & Nigond-
fith geld.

Cestascavoire, payera il no-
vies foites, & novies foites
repay.

Gavelkind.

Gavelkind est un custome
annexe, & curreant ove
terres en Kent, appel Gavel-
kind ténos, tenus en antient
Socage tenure. Et est pensee
les erudite en Antiquities, de-
sc

The Exposition of

ste appel Gavelkind de Give al Kinne, cest a dire, a tous les kinne en un line, accordant come est use enters les Germans, de quo nous Anglois, & especialmt de Kent, venomous. Ou est appel Gavelkinde de Give al Kinde, cest a dire, al tous les Males, car Kinde en Dutch signifie un Male. Et divers auts semble conjectures sont fait per eux, de le nosme Gavelkinde, le quel Ieo omit de purpore pur brevitie.

Les puy usual customes de eux sont, Que le terre est dividable enter les heires Males, & que le heire al age de xv. ans poyt done & venda sa terre, & serra enherite coment son pere soit attain, & pendue pur felonie, & sa feme serra endowe del demie del terre dont son baron devie seisse, & le baron serra Tenaunt per le courtesie del demie, coment ne avoyt issue per la feme, mes l'estate del baron & feme cease per leur second mariage. Et divers autres customes sont uses en Kent de terres en Gavelkind, pur queux veyes le *Perambulation de Kent*, fait per Mounseur Lambert : pur quel cause le residue Ieo voile omit, come impertinent a cel leure, & entreat amplemt en le dit *Perambulation*.

Gawgeour.

Gawgeour est un Officer d'l Roy designe de seacher

be called Gavelkind, of Give al Kinne, that is to say, the kindred in one line, binding as it is used among Germans, from whom we Englishmen, and chiefly of Kent, come. Or else it is called Gavelkind of Give al Kinde, is, to all the Male children, for Kind in Dutch signifies Male child. And divers like conjectures are made of them of that name Gavelkind, which I omit of purpose brevities sake.

The most usual customs there are, That the land is dividable betwene the heirs Male, and that the heire at age of 15. yeres may sell his land, and shall inherit although his father be attain and hanged for felony, and his wife shall be endowed wth the land whereof her husband dyed seise, and the husband shall be Tenant by the courtesy of the halfe, although he have issue by his wife, but the land of the husband and wife shall be by their two marriages. And divers other customs are used in Kent of the lands in Gavelkind, for which see the *Perambulation of Kent*, made by Master Lambert : for which cause the residue I will omit, as unnecessary for this booke, and treated of largely in the *Perambulation*.

Gawgeour.

Gawgeour is an Officer of the King appointed

of Tunnes, Hogheads, Barrels, and Tertianes, Oyle, Honey, Butter, to give them a marke of place before they be sold. And because this is circle, made with an instrument for that purpose, it longeth that her eaketh name from thence. Of this there hath bin made many statutes, the first wherof is, E.3. ca. 8. and the others E.3. ca. 1. 18. H.6.c.17. 23. E.1. R.3.ca.13. & 28.H.8. cap.14.

Gild.

It hath divers significations, as sometimes a tribute, other times an amercement, thirdly, a fraternity company combined together. Orders and Lawes made by themselves by the name. Master Camden with many Antiquities, say it appeareth to signify a tribute or tax, as fol. 139. 159. 168. 178. Crompton in his Jurisdictions, fol. 191. sheweth it to be a prestation within which, in these words, To be discharged of all manner of prestations to be made for carrying of heaves of Cozne, and of twill to the use of the foresters.

Also Master Camden, pag. dividing Suffolke into parts, calleth the first Gild because Tribute is thence

touts Tunns, Hogheads, Pipes, Barrels, & Tertianes, de Vine, Oyle, Honey, Butter, & a don euz un note d allowance devant ils sont vendus en aucun lieu. Et pur ceo que cest marke est un cirle fait ove un instrument de ferre pur cel purpose, il semble q il prist son nosme de ceo. De cest Office la ad estre fait plusors Statutes, le primer de que est, An. 27.E.3. cap.8. & les auters sont 4.R.2. cap.1. 18. H. 6. cap.17. 23.H.6. cap.16. 1 R.3. ca.13. & 28. H.8. cap.14.

Gild.

Gild ad divers significations come escu foits un tribute, autre foits un amercement, tiercement un fraternite ou compagnie combinee ensemble p Orders & Leyes fait inf eux mesmes p le congee le Roy. Monsieur Camden cita plusors Antiquities, p q il appiert d signifier un tribute ou taxe, come page 135. 139. 159 168. 178. Mounseigneur Crompton en ses Jurisdictions, fol. 191. monstre ceo destre un amerciamt, come Foot-geld: & fol. 197. il interpret ceo destre un prestation deins le Forest, en ceux parols, destre quit d tous maners de pstations destre fait p le prisure de garbes de corne, d juvene barbits, & de fane al use del Foresters.

Auxy Mounseigneur Camden, pag. 149. dividant Suffolke en trois parts, appel le premier Gildable, pur ceo que tribute

The Exposition of

tribute est de ceo collect. Et les Statutes, Anno 27. Edw. 3. Stat. 2. cap. 13. & Anno 11. Henr. 7. cap. 9. usont Gildable en mesme le sens, & issint le Statute Anno 27. H. 8. cap. 26. de ceo Mounseur Lambert verbo *Contubernalis* est persuade que le common parol Gild ou Gildhal proceda, esteaunt un Fraternitie ou Communaltie de homes agregated en un combination, supportant lour common charge p un mutual contribution. Et en le Regist. Orig. fol. 219. b. la est *Gildam Mercatoriam*, que semble destit un certaine libertie ou privileged appertinent al Merchants, per que ils sont ennable de tener certaine Pleees de terre deins lour percinets demesne. Cest parol Gilds ou Guildes est issint use, Anno 27. Ed. 3. cap. 51. & Anno 15. R. 2. cap. 5. Et *Guildbalda Teutonicorum* est use pur le fraternitie, de Easterling Merchant en Londres appel le Stil-yard, Anno 22. Hen. 8. cap. 8. Veies Coke, l. b. 8. fol. 125.

Gors.

Gors (*Gurge*) est un estrange ou guse d'eau pur le preserver d's peissons, per le grant d' q le soile n' passe, & un *Præcipe quod reddat* gist d' ceo come est a veir en 4. E. 3. 29. b. & 8. E. 3. 13. a. & Fitz. N. B. 19. H.

gath red. And the Statute Anno 27. Edw. 3. Stat. 2. cap. 13. and Anno. 11. Hen. 7. cap. 9. Gildable in the same sense, so the Statute Anno 27. Henr. 8. cap. 26. from Master Lambert in the word *contubernalis* is persuaded that the common word *Gild* or *Gildhall* procedeth from a Fraternity or Communion of men gathered in one company, supporting their common charge by a mutual contribution. And in the Register Orig. fol. 219. b. the *Gildam Mercatoriam*, seemeth to be a certain liberty or privilege, appertaining to Merchants, whereby they are enabled to hold Pleas of land within their own precincts. This *Gild* or *Gilds* is found Anno 27. Edw. 3. cap. 51. and Anno R. 2. cap. 5. And *Guildbalda Teutonicorum* is used for the Fraternity of Easterling Merchants in London called the Stil-yard, Anno 22. Hen. 8. cap. 8. Coke lib cap. 8. fol. 125.

Gors.

Gors (*Gurges*) is a receipt of water for to fish in by the grant of the soile seise va es, as *Præcipe quod reddat* as it is to see in 4. E. 3. 29. b. and 8. E. 3. 13. a. and Fitz. B. 19. H.

Grand cape.

Grand cape, louke therfore
in the title Petit Cape.

Grand distresse.

Grand distresse, les of that be
in the title of Distresse.

Grand Serjeantie.

Grand Serjeantie, is where a
man holdeth of the King
land by the service of
bearing his banner or launce,
or have his hoste, or to be
Carbet or Butler at his
coronation, and that is the
honourable service and
worthy that a Tenant
doth, and for that it is called
Grand Serjeanty. But Petit
Serjeanty is when one holdeth
of the King, paying to him per-
petually, a Sword, a Spere,
or such like, and that is but
a charge in effect, but a man
may hold in Grand Serjean-
ty by Petit Serjeanty, but
not of the King. Also if a Tenant
hold in Grand Serjeanty by the
service of full age, the heyre
shall pay to the King for reliefe
the value of Lands oder the
rent that he payeth to the
King by Grand Serjeanty:
but he that holdeth by Escuage
shall pay for his reliefe but C.s.
Also thole that be in the
Marches of Scotland, that
hold of the King by Cornage,
that is, to blow an horne when
the Scots enter into England:
these Tenants in Grand Ser-

Grand Cape.

Grand cape, veies de ceo
apres & le title Petit Cape:

Grand Distresse.

Grand Distresse, veies & c.
devant en le tit. & Distress:

Grand Serjeanty.

Grand Serjeantie, est lou un
home tient & Roy cer-
taine terres p le service & por-
ter son banh ou launce, ou
ameiner son hoste, ou destre
son Carver ou Butler a son
Coronment, & tiels sembla-
bles, & ceo est la pluis digne,
que le Tenant poit faire, & pur
ceo est appel Grand Serjean-
tie. Mes Petit Serjeantie est
quant un tient & Roy rendant
a luy annualment un Arke, un
Coteau, un Launce, & tiel
semble, & ceo nest forsque So-
cage en effect, mes home ne
poyt tener en Graund Serje-
antie, ne per Petit Serjeantie,
si non de Roy. Auxy si Te-
nant p Grand Serjeantie mo-
rust son heire esteant de
plein age, l'heir payera al Roy
pur reliefe le value ds fres ou-
ster les charges q il pay al Roy
p Grand Serjeantie: Mes cestuy
q tient per Escuage, payera pur
son reliefe forsque C.s.

Auxy ceux que sont en le
Marches de Scotland, q tient
del Roy per Cornage, cest est,
pur ventiler un cornu quant
le Scots entrent en Engle-
terre, sont Tenants p Grand
Serjeantie:

A s

Auxy

The Exposition of

Auxy ou un home tient del Roy pur trover un home en sa guerre deins le Realme, cest est dit Grand Serjeantie, pur ceo que il est fait per corps d'un home. Et si le Ténant ne poit trover home de faif ceo, donques il est tenu de faire ceo luy mesme.

Et il que tient per Grand Serjeantie tient per Service de Chivaler, & le Roy avera gard, mariage, & reliefe, mes nemy de ceux que tient per Petite Serjeantie, mes le Roy n'aura de eux que tient per Grand Serjeantie, Escuage, si non que ils tient per Escuage. Il n'y a ceux q. tient per Grand Serjeantie ou Escuage tient p. Service de Chivaler. Mes un poit tener per Grand Serjeantie, & nemy per Escuage, & p. Escuage, & nemy p. Grand Serjeantie. Et le Service de Chivaler tous. foits trayt a luy gard, mariage, & reliefe.

Gree.

Gree venust del Francoi's parol (*Gre*) Beneplacitum, & signifie en nostre Ley contentement ou satisfaction, come en le statute 1. R. 2. cap. 15. de faif gree as parties est a doner eux contentement ou satisfaction pur un offence as eux fait.

Greene hewe.

Greene hewe est tout un ove Vert, come appiert per *Manwood* en ses Leys d'Forests, ca. 6. sect. 5. & pur ceo veies Vert.

Also where a man holdeth of the King for to serve him in his wars within his Realm that is called Grand Serjeantie, for that that is done a mans body: And if the tenant cannot finde a man to do it, then he is bound to do himselfe.

And he that holdeth by Grand Serjeanty holdeth by Knights Service, and the King shall have ward, marriage, and reliefe but not of them that hold by Petit Serjeanty, but they shall not have of them that hold by Grand Serjeanty, Escuage, except that they hold by Escuage. So they that hold by Grand Serjeanty or Escuage, hold by Knights Service. But they may hold by Grand Serjeanty and not by Escuage, and not by Grand Serjeanty, and not by Escuage, and not by Grand Serjeanty. And the King shall have ward marriage, and reliefe.

Gree.

Gree comes of the French word (*Gre*) God willing & it signifies in our law contentment or satisfaction, as in the Statute of 1. R. 2. c. 15. where gree to the parties is to give them contentment or satisfaction for an offence done unto them.

Greene hewe.

Greene hewe is all one with Vert, as it appeareth in *Manwood* in his Forests, ca. 6. sect. 5. And therefore Vert.

Greene waxe.

Greene waxe.

Greene waxe is a word used in the Statutes of 42. E. 3. cap. 9. & 7. H. 4. cap. 3. and signifies the estreats of issues, fines, & amerciaments in the Exchequer, delivered out to the Sheriffs under the Seale of the Court, to be levied by them in the severall Counties.

Greene waxe est un parol use é lestatutes de 42. E. 3. cap. 9. & 7. H. 4. cap. 3. & signifie les estreats des issues, fines & amerciements en leschequer, & bailes hors as Viscounts south le Seale del Court, delivre per eux levies en lour severall Counties.

Grithbreach.

Grithbreach.

Grithbreach, that is, the things broken, because (Grith) English, is Pax in Latine.

Grithbreach, hoc est, Pax Dom. Regis fracta, quia (Grith) Anglice, Pax Latine.

Gule of August.

Gule de August.

The Gule of August is the first day of the Calends of August, which in the time of Edward 1. was called ordinari Gule of August, as it appears by Fitz. Nat. B. fol. 62. 1. Plowden. Com. fol. 316. b. is the very day of S. Peter's Vincula, and the reason why has called the Gule of August, is conceived upon a story by Durandus in his Rationale Divinorum, lib. 7. cap. 19. of a Miracle wrought by S. Peter's Chains upon the daughter of a Quirinus a Tribune of Rome, who by the kissing of the chains was healed of the Gull in her throat. And Hospinian. de origine Festorum, fol. 85. b. tells such another story out of Petrus de Natal. and Petrus de Voragine.

Le Gule de August est le premier jour ou les Calends del August, que en le temps Ed. 1. & Ed. 3. fuit usualment appelle le Gule de August, come appert per Fitz. N. B. fol. 62. 1. & Plowden. Com. fol. 316. b. Est le verie jour St. Petri ad Vincula, & le reason pur que est appelle le Gule de August, est conceive sur un Historie recorde per Durand en son Rationale Divinorum, li. 7. cap. 19. dun Miracle effect per le Chaine de St. Peter sur le fille dun Quirine un Tribune del Rome, que per le baiser del dit Chain fuit cure des Escrovelles en sa goule. Et veies Hospin. de origine Festorum, fol. 85. b. report tiel auf Historie hors del Petr. de Natal. & Jacob. de Voragine.

H.

Habeas Corpus.

Habeas Corpus est un Brief le quel home endite de ascū trespasse d'vant Iustice d'I Peace, ou ē un Court d'ascun Franchise, & sur son prisure esteant gisten prison pur mesme, poit aver hors del Banke le Roy p' c' d'amesner luy mesme la a ses costs demesne, & de responder l' cause icy, *F. N. B. fol. 250. h.* Et le order en ceo case est, primerint d'pocuer un *Certiorari* hors del Chauncerie, direct al dits Iustices, pur le remover del endictment en le Banke le Roy, & sur ceo de procurer cest Briefe al Viscount de causer son corps dest' amesne al un jour, *Reg. Iudic. fol. 81.* ou vous poies trover plusors cases en queux cest Briefe sera use.

Habeas corpora est un Briefe que gist quant un Iurie ou ascuns de eux refusont de verner sur le *Venire facias*, pur le trial d'un meistre port al issue.

Habendum.

Habendum est un parol de forme, en un fait de Conveyance, al voyer intelligence de que est destre observe, Que en chescun fait de Conveyance la sont deux Principal pars, le Premisses, & le *Habendum*.

H.

Habeas Corpus.

Habeas Corpus is the which a man of any trespass in the Justice of the Peace, or Court of any Franchise, upon his apprehension laid in prison for the same, have out of the Kings Bench thereby to remove him thither at his own costs and answer the cause there, *F. N. B. fol. 250. h.* And the order in this case is, first to procure a *Certiorari* out of the Chancery directed to the said Justice for removing of the indictment from the Kings Bench, and then that to procure this *Writ* wherewith to cause his body be brought at a day, *Reg. fol. 81.* Where you may find many cases wherein this *Writ* be used.

Habeas corpora is a Writ which lyeth when a Jury or any of them refuse to come to the *Venire facias*, for trial of a cause brought to issue.

Habendum.

Habendum is a word of form in a deed of Conveyance to the true understanding wherof it is to be observed, That in every Conveyance there be two principal parts: the Premisses, and the *Habendum*.

Office of the Premises is to expresse the name of the grantee, the Graunter, and thing to be granted: the Office of the *Habendum* is to shew the estate, so that the general implication of the estate, by construction of law in the Premises, is by *Habendum* controlled and altered. As in a lease to two *Habendum* to the one for life, and remainder to the other, it altereth the generall implication of the joynt tenancy to a feehold, which passeth in the Premises, if the *Habendum* were not. See Cok.

Le Office des Premises est d'exprimer l' nom d' l' Graunter, le Graunter, & le chose destre grauntus: l' Office del *Habendum* est de limiter l' estate, issint q' le general implication del estate que p' construction de Ley passa en les Premises, est per le *Habendum* controlle & qualifie: Si come en un lease a deux homes, *Habendum* a l'un pur vie, l' remainder al autre pur vie, alter le general implication del joynt tenancie en le Franktenement que passera p' les Premises, si le *Habendum* ad este omis. Veies Cok. lib. 2. fol. 55.

Habe facias seisinam.

Habe facias seisinam is a writ Judiciall, and it lyeth where one hath recovered certain lands in the Kings Court, then hee shall have that returned to the Sheriffe, commanding him to give him possession of that land, and it shall be returnable.

Habere facias seisinam.

Habere facias seisinam est un Briefe Iudicial, & gist lou un ad recover certaine terres en Court le Roy, donques il avera cest Briefe direct al Viscount, luy commandaunt de done a lay seisin del terre, & ne serra re-routnable.

Halfe scale.

Halfe scale is a scale used in Chancery for the sealing Commissions unto Delegates in an appeale in a cause civill or marine, as it appeares by Statute made in 8. Eliz.

Demy seale.

Demy scale est un scale use en le Chauncerie pur le sealer des Commissions as Delegates sur un appeale en un cause civill ou marine, cõe appiert per lestatute fait en 8. Eliz. cap. 5.

Halymote.

Halymote is a Court Baron, as appeares by Manwood in his Forest Lawes, cap.

Halymote.

Halymote est un Court Baron, cõe appiert p' Manwood en ses Forest Leyes, cap. 32. fol.

The Exposition of

32. fol. 217. a. Et est appelle
Halymote, cestascovoir, le
concurse ds Tenants dun Hall
ou Manor.

Hambling ou Hoxing des Chiens.

HAmbling ou Hoxing, ou
Hochsynewing des Chi-
ens sont ancienr tmes del Fo-
rest pur le lawing des Chiens,
qnt le custome fuit, come appi-
ert p *Manw. For. Ley. cap. 16.*
sect. 12. de couper ou berluf-
fer Chiens lour Jareds, mes
ore est use dest. e fait en lour
pieds. De q veies *Expeditate.*

Handgun.

HAndgun est un engine que
est prohibite destre use &
emport per le Statute de 33.
Hen. 8. cap. 6. Et coment que
un Dagge fait envent de tar-
dite temps, & puis le lefans del
dit Act, & nest conus p l' nosm
de Handgun, mes per un espe-
ciall nosme, uncore le carry-
ing de un Dagge est deins le
dit Act, & comprehend deins
le parol Handgun. Ishint ou
Crosse-bowes sont prohibite
per le dit Act, per ceo Stone-
bowes sont auxy prohibite.
Veies *Cok lib. 5. fol. 71. 72.*

Hangwit.

HAngwit, hoc est, quietum
esse de Latrohi suspenso
sine iudicio, vel exte custodi-
am vestram evaso.

23 fol. 217. a. And it is
Halymote, that is to say,
meeting of the Tenants
Hall or Manor.

Hambling or Hoxing of Dogges.

HAmbling or Hoxing, or
synewing of Dogges
old forest termes for the
lawing of Dogges, when the
same was, as appears
Manwoods Forest Lawe,
sect. 12. to cut or gash
in the hammes, but now
use to doe it in their legges
which see *Expeditate.*

Handgun.

HAndgun is an engine
is prohibited to be
carried about by the Statute
33. H. 8. cap. 6. And altho
a Dogge was intended
time, and after the making
the said Act, and is not known
by the name of Handgun,
a speciall name, yet the carrying
of a Dagge is within the
Act, and comprehendeth
the word Handgun. So that
as Crosse-bowes are forbidden
by the said Act, by this
bowes are also forbidden.
Cok. lib. 5. fol. 71. 72.

Hangwit.

HAngwit, that is, to be
of a Thiefe or Felon
without judgement, or
out of your custody.

Haque.

Haque is a little Handgun of two quarters of a yard and it is mentioned in the Statute of 33.H.8. cap. 6. and 1.E.6. cap. 14. There is also made of a halfe Haque.

Haquebut.

Haquebut is a Gun mentioned in the Statute of 2.E.6. cap. 14. and it is all one with a Harquebuzze.

Hariot.

Hariot is in two sorts, the one *Hariot* custome, the other *Hariot* service.

Hariot service (some say) is expressed in a mans will, that hee holdeth such service to pay *Hariot* at the time of his death. This *Hariot* is payable at the death of the Tenant in fee.

Hariot custome is where *Hariots* have bene paid time out of memory by custome. And this is after the death of the Tenant for life, &c. But to shew thereof generally:

Hariot is the best Beast wher it be Horse, Ox, or Cow, that the Tenant had at the time of his death. And the Lord may either seise, or take a fine for it, whether it be *Hariot* service, or *Hariot* custome, to the Lord use of whom the Tenant held by his Warrant. Or other Officer belonging to the Manor. But of right

Haque.

Haque est un petit Handgun d'un longuer d's trois quartiers d'un verge, & est mention en lestat. de 33.H.8. ca.6. & 2. & 3. E.6. cap. 14. La est auxy parle d'un demy Haque.

Haquebut.

Haquebut est un Gunne mention en lestat. de 2. & 3. E.6. cap. 14. & est tout un avec un Arquebuse.

Hariot.

Hariot est en deux sorts, l'un *Hariot* custome, le autre *Hariot* service.

Hariot service (ascuns dient) est mult foits expresse, en le graunt d'un home ou en son fait, que il tient p'riel service pur payer *Hariot* al temps de son mort. Et cest *Hariot* est payable apres le mort del Tenant en fee simple.

Hariot custome est lou *Hariots* en este paies temps hors de memory p' custome. Et ceo poit este apres le mort del Tenant pur vie, &c. Mes a parler de ceo generalment:

Hariot est le meliour Beast (soit il Chival, Boefe, ou Vache) q' le Tenant ad al tēps de son mort. Et le Seignieur poit seise, ou prendre un distres p' c', soit il *Hariot* service ou *Hariot* custome, al use del Seignieur de q' le Tenant tient per son Bailife, ou auters Officers de son Manor. Mes d' droit le Seignieur, ne son Officer

The Exposition of

ficer ne doit prendre Harriot
devaunt que il soit present al
prochein Court tenuz apres le
Tenant est mort, & que tiel
Beast est due al Seignieur pur
son Harriot.

Harward.

HAward ou *Hayward* est un
Officer designe en chesquin
Ville deste le common Heard
del Ville, & semble que il est
issint appel, ou pur ceo que
un part de son Office est pur
garde le hayes de terres en-
close, issint que ils ne soient
croppé ne infringe, ou pur
ceo que il garde le grassé del
parde & destruction de Avers,
issint que Hay poit estre fait
de ceo. Il est un Officer ju-
rus en le Court del Seigni-
our: Pur que serement veles
Kitch. fol. 46.

Haukers,

HAukers est un terme use en
lestatutes de 25. H. 8. cap. 9.
& 33. Hen. 8. cap. 4. & signifie
Tinters queux alont de lieu
en lieu per le pais, & per color
des Letters Patents le Roy
ou Placard, achatont & ven-
dont airain & pewter, & de-
ceive les leiges le Roy & en le
poise & en le substance.

Haybote ou Hedge- bote.

HAybote ou *Hedgebote*, est
necessarie stuffe pur faire
& amend haies, que Lessee
pur ans, ou pur vie, de comon
droit poit prendre sur le terre

the Lozh nor his Office
not take Harriot, being
presented at the next
holden after the Term
and that such a Ward
the Lord for his Harriot.

Harward.

HAward or *Hayward* is
an Officer appointed in
Town to be the common
of the Towne, and is
that hee is so called, viz.
that it is one part of his
to keepe the hedges of
grounds, so that they be
cropped nor broken downe,
because that hee keepeth
grasse from the hurt & de-
struction of Cattell, so that
may be made thereof. He is
an Officer sworn in the
Court: For which see
Kitch. fol. 46.

Haukers.

HAukers is a word used
in the Statutes of 25. Hen.
and 33. H. 8. cap. 4. and
signifies Tinkers that goe
place to place throughout the
try, and by colour of the
Letters Patents of the
buy & sell brasse and pewter,
coozen the Kings people
in the weight and in the

Haybote or Hedge- bote.

HAybote or *Hedgebote* is
necessary stuffe to make
amend hedges, which the
for years, or for life, of
mon right may take upon

to him leased, although
not expressed in his lease,
although it be a lease by
without writing.
Haybote also may be taken
in necessary stufte to make
dikes, fokes, and such like
instruments, wherewith men
may summer to tedde and
drye. And so a lessee for
years take it, and it was al-
lowed by his lessor the ra-
tion. I suppose, for that such
instruments are commonly made
under hand, which
is common law the lessee
may cut and take, as
before.

Headborow.

Headborow is compounded of
two words (Heofed, id est,
head) and (Borhe, id est,
pledge.) So that Headborow
signifie the chiefe of the frank-
pledges in a decenary within
a bar, or he that had the go-
vernance of those that are
under his own pledge. And he
is called Headborow or Bo-
roughs-holder, or Thirdborow,
or Tithingman,
or Chiefe pledge, or Bo-
rowelder, according to the di-
versity of speech in divers pla-
ces. And to this day he is now
called Constable.

Heretico comburendo.

Heretico comburendo is a
writ, & lieth against him who
is a heretike, that is, who ha-
th been once convinced of he-
resie by the Bishop, & having ab-

a luy lessé, nient obstant il ne
soyt expresse en son lease, &
nient obstant que il soit un
lease per parols sans escript.

Haybote auxy poit estre pris
pur necessarie stufte pur faire
Rakes, Forkes, & tiels sem-
bl' instruments, ove queux
hōes usont en somm p tedder
& faire feine. Et issint un
Lessee p ans prist e', & fuit a
luy allow per son Lessor plus
tost come Ieo suppose, pur ceo
que tiels instruments faits de
flend subbois, q p le common
Ley l' Lessee par ans poit suc-
cider & prender, come est a-
vantdit.

Headborow.

Headborow est compound
des deux parols (Heofed,
id est, caput) & (Borhe, id est,
pignus.) Issint q Headborow
signifie le chiefe des frank-
pledges en un decenarie deins
un Lect, ou celui q avoit l' go-
vernance des eux q sont deins
son pledge Jemesne. Et il fuit
appel Headborow ou Borow-
head, ou Borough-holder, ou
Thirdborow, ou Tithingman,
ou Chiefe pledge, ou Borow-
elder, selonq le diversite des
dialec'ts des divers lieux. Et a
ceo jour est ore appel un
Constable.

Heretico comburendo.

Heretico comburendo est un
Briefe, & gift vers luy que
est un Heretique, ceo est que
ayant estre un foyts convince
de heresie per l' Evesque, &
ayant

The Exposition of

ayant c' abjure, puis en c' relapſe arere, ou en aucun autre, & eſt ſur ceo commiſe al lay poyar.

Et Brit. lib. 1. cap. 17. dit, Que par le Common Ley ceux perſons queux feloniousment arseront auters blees, ou auter meafons, & auxy ceux queux ſont Sorciers, & Sorciresses, & Sodomies, & Hereticks ſerront auxy combures & arſes.

Heireloome.

Heireloome eſt alcun parcel des utensils dun meafe, que per le cuſtome del alcun pais eſteant apperteinant al un meafe pur certaine deſcents, ala oye le meafe apres le mort del owner al heire, & nemy as Executors.

Hidage.

Hidage, hoc eſt, quietu eſſe, ſi Dominus Rex talliauit totam ſtram p Hidas.

Nota, Que un Hide de fre eſt un entire Plough-land: Et eſt kind de taxing per Hides ſuit mule uſe en veyel temps, cybien pur proviſion de Armour, come payments de Argent, & c' principalmt en les jours. ¶ **Roy Elheldred** (un Roy e ceſt pris d'vant l' Conqueſt) q en l' anſi de Chriſt 1006. qnt les Danes priſtera terre al Sandwiche en Kent, tax tout ſon fre p Hides e ceſt maſi. Que cheſc 310. Hides d' fre doyent trover un nief furniſh, & cheſc 8. Hides doyent

ſured it, afterward ſals into againe. or into ſome other, and is thereupon committed to the ſecular power.

And Brit. lib. 1. cap. 17. ſaith, That by the Common Ley thoſe perſons which ſhould feloniously burn the corpes or houſes of others, & alſo thoſe which were Sorcerers and Sorciſſes, and Sodomitical perſons, and Heretickes, ſhould be burnt and conſumed.

Heireloome.

Heireloome is any piece of houſholdſtuffe, which by the cuſtome of ſome countries, being belonged to a houſe for certaine deſcents, goes with the houſe after the death of the owner unto the heire, and not to the Executors.

Hidage.

Hidage, that is, to be quiet, if the King ſhall take all the land by Hides.

Note, That a Hide of land is a whole Plough-land: And this kinde of taxing by Hides was much uſed in old time, as well for proviſion of Armour, as payments of money, and that chiefly in King Edwardes dayes (a King in the Country befoze the Conqueſt) who in the yere of Chriſt 1006. when as the Danes landed at Sandwiche in Kent, taxed all his land by hides thus. That every 310. Hides of land ſhould find one Ship furniſhed, and every 8. Hides ſhould find

Jack and one saddle for the
of the Realme.

trou un Jacke & un seller pur
le defence del Roalme.

Hoblers.

Hoblers.

Hoblers are men mentioned
in the Statute of 25. E. 3.
cap. 8. and they are such
in their tenure are bound
to give a little Bagge to give
notice of any invasion or other
that hapneth nere the
where they dwell.

Hoblers sont homes men-
tion en lestatute de 25. E. 3.
Stat. 5. cap. 8. & sont tiels q^x
per leur tenure sont lies de
maintenir un petit Chival, p^r
donor notice d^l asc^t invasion
ou auf peril qⁱ happa pchein
al mere lou ils demurront.

Hogbenhine.

Hogbenhine.

Hogbenhine is hee who com-
eth guest-wise to a house,
where lyeth the third night,
in which time he is accom-
panied of his family, in whose
house he lyeth, and if he offend
the Kings Peace, his host must
be answerable for him, Bract.
lib. 2. ca. 10. In the Lawes
of King Edward set forth by
Lambert he is called Agen-
hine, where you may read more
of this matter.

Hogbenhine est celuy que vi-
ent a un meason en l' guise
d'un guest, & la reposa l' tierce
nuict, puis quel temps il est
accompt un d son Famille, on
que meason il reposa, & offend
le Peace l' Roy, son host covi-
ent de respond p^r luy, Bract.
li. 3. tract. 2. cap. 10. En l' Leys
d Roy Edward, edite p Mon-
sieur Lambert, il est appel^e A-
genhine, ou vous poyes lyer
pluis de cest meistre.

Homagio respectuando.

Homagio respectuando.

Homagio respectuando is a writ
granted to the Escheatour,
compelling him to deliver sei-
son of the better of his lands at
full age, although that he
had not made his homage, Of
the Fitz. N. B. 269. A.

Homagio respectuando est un
B^re direct al Escheatour,
luy mandant par deliver seisin
al heire de ses terres a son
plein age, coment que son ho-
mage ne soit fait. De qⁱ vies
Fitz. N. B. 269. A.

**Homine capto in Wi-
thernamium.**

**Homine capto in Wi-
thernamium.**

Homine capto in Withername-
ium is a writ to take him
who is taken any bondman
or woman, and led him out of her
County, so that he or

**Homine capto in witherna-
mium** est un B^re d prendre
luy qⁱ ad prise asc^t villaine ou
nief, & trahe luy ou el hors d^l
Countie, issint que il ou el ne
pout

poit estre replevie accordant
al Ley, Reg. orig. fo. 79. a.

Homine replegiando.

Homine replegiando est un
Briefe pur le bayler des
homes hors del prison: le
quel en queux cascs gift, & en
queux nemy, veies Fitz. N. B.
fol. 66. E. & veies hic apres tir.
Replevin in fine.

Hotchpot.

Hotchpot est un medling ou
mixing ensemble, & un
partition de terres done en
Frankmarriage; ovesq; auters
terres en fee simple descendus:
Comie per example, un home
seisie de xxx. acres de terre en
Fee simple, ad issue dux files,
& done ovesq; un d ses files,
al un home q luy marrie, x. a-
cres d ceo fre en Frankmarri-
age, & morust seisie de les au-
ters xx. acres. Ore si el que
est issint marrie voilloit aver
ascun part de les xx. acres de q
sa pere morust seisie, el doyt
mis ses terres done en frank-
marriage, en Hotchpot, ceo est
adire, el doyt refuser de pren-
der le sole profits d l fre done
en frankmarriage, & suffer
le terre de estre commixt &
mingle ensemble ovesque le
auter terre de que sa pere
morust seisie, issint que un e-
qual division poyt estre fait d
leantire, perenter luy & sa soer.
Et issint pur sa x. acres el ave-
ra xv. auterment sa soer yolt
aü les xx. acres de que leur
pere morust seisie.

she cannot be replevied ac-
cording to Law, Reg. Orig. fo. 79. a.

Homine replegiando.

Homine replegiando is a
to deliver men out of
upon Bate: which in
les it lies, and in
see in Fitz. N. B. fol. 66. E.
here afterward in the
Replevin in the end.

Hotchpot.

Hotchpot is a medling or
mixing together, and a parti-
on of lands given in
marriage, with other lands
Fee simple descendus:
For example, a man seised of
xxx. acres of land in fee simple,
issue two daughters, and
with one of his daughters
man that marieth h. e. &
of the same land in Frank-
marriage, and dyeth seised of
ther xx. acres. Now if he
is thus married will have
part of the xx. acres
her father dyed seised, &
put her lands given in
marriage, in Hotchpot, that
to say, she must refuse to
the sole profits of the land
ben in frank-marriage, and
for the land to be commixt
mingled together with
ther land whereof her
dyed seised, so that an equal
division may be made of
the whole between her and
her. And thus for her
she shall have xv. else her
will have the xx. acres of
their father dyed seised.

Homage.

Homage in our books is two
 viz. Homagium ligum,
 which as much as liege-
 which Bracton speak-
 li. 3. ca. 35. fo. 79. Soli Regi
 sine dominio seu servicio
 the other is Homagium
 which hath his origi-
 nature. In Fitzh. N.B.
 there is a writ for re-
 of this latter homage,
 is due by reason of the
 nature. But Homagium
 is inherent and insepa-
 and cannot be respiced.
 by reason of fee or te-
 defined to be a service
 shall be made in such ma-
 is to say, the Tenant
 simple or fee taille that
 by Homage, shall knele
 with his knees ungirded
 the Lord shall sit and hold
 of his Tenant be-
 his hands, and the Te-
 shall say. I become your
 from this day forsword of
 member, and of earthly
 you shall be faith-
 true, and shall beare to
 for the lands that I
 to hold of you, saving
 that I owe to our
 King, and then the
 sitting shall kisse him.
 how fealty shall be done,
 in Fealty.
 the Steward of the
 may take fealty, but not
 homage.

Homage.

Homage en nostre livers est
 deux fold, cest adire, Ho-
 magium ligum, & ceo est tant
 cōe liegeance, d̄ q̄ Bract. parle,
 li. 3. ca. 35. fo. 79. Soli Regi de-
 betur sine dominio seu servi-
 tio: Et laut est Homagium seu-
 dale, q̄ ad son original p̄tenur.
 En Fitz. N. B. fol. 169. la est
 un Brief pur respecture de cest
 darreine Homage que est due
 p̄ reason del feud ou tenure.
 Mes Homagium ligum est en-
 herent & enseparable, & nē
 poit estre respectuus. Homa-
 gium ratione feodi, sive tenu-
 re, est define destre un ser-
 vice que serra fait entiel man-
 ner, costascavoire, le Tenant
 en fee simple ou fee taille que
 tient per homage, genulera sur
 ambeux genues disoincte, &
 le Seignior serra seate, & ti-
 endra les maines son Tenant
 enter ses maines, & le Tenant
 dire, Ieo devigne vostre home
 de cest jour en avant de vie &
 de member, & de terreynie ho-
 nour, & a vous serra foyal &
 loyal, & foy vous portera
 des terres que Ieo clame de
 reñ de vous, salve de foy que
 Ieo doy a nostre Seignior le
 Roy, & donq̄s le Seignior il-
 luy seant luy basera.

Mes com̄t fealtie serra fait,
 veies devant en Fealtie.

Et le Seneschal le Seignior
 poit prender fealtie, mes nē
 may homage.

Homage auncestrel.

HOMAGE auncestrel est l'ou un
hōe & ses ancestors d' tēps
dont memorie ne courage, ont
tenus la frē d' l' Seignior p ho-
mage. Et si tiel Shr. ad receive
homage, il est tenu d' acquiter
le Tenāt vers tous auts Seig-
niors paramount luy, d' chescū
mañ service. Et si l' Tenant ad
fait homage a son Shr, & soit
implead & vouche le Seignior
a garrantie, le Seignior est te-
nus de luy garrant, & si le
Tenant perde, il recōra en va-
lue vers son Seignior tant des
terres que il avoit al temps
de la voucher, ou unques puis.
Auxy si home q̄ tient son frē
p homage Auncestrel, alien le
frē en fee, donq̄s l' aliēce fer-
ra homage a son Shr, mes il ne
tiendra p homage Auncestrel,
pur ceo que le continuance del
tenancy en le sanke d' l' primer
Tenant est discontinue.

Homofoken.

HOMOFOKEN, ou *Hamefoken*,
hoc est, quietum esse d' A-
merciamētis de ingressu ho-
spiciōrum violentē & sine li-
centiā, & contra pacem Dom̄
Regis. Et quod teneatis placit
d' hūdi transgred, facta in Cu-
ria vestra, & in terris vestris.

Homicide ou Manslaughter.

HOMICIDE ou *Manslaughter*
est l' occider de un home
feloniouſement ſauns malice
prepenſe. Il est auxy defini

Homage auncestrel.

HOMAGE auncestrel is to
man and his Ancestors
time out of mind, to hold
land of their Lord by Homage.
And if such Lord hath received
Homage, he is bound to warrant
the Tenant against all
Lords above him, of every
nether service. And if the Lord
hath done Homage to his Lord,
he is impleaded, & bound to
warrant the Tenant to warranty, the
Tenant lose, he shall recover
value against the Lord for
the lands as he had at the time
of the voucher, or any other time.
Also if a man that holds
land by homage Auncestrel, alien
the land in fee, then the alien
shall do homage to his Lord.
He shall not hold by homage
Auncestrel, so that the continuance
of the tenancy in the blood of
first Tenant is discontinued.

Homofoken.

HOMOFOKEN, or *Hamefoken*,
that is, to be quit of
statements for entering into
houses violently and without
licence, and contrary to the
commandment of the King.
And that you be not
pleas of such trespasses done
in your Court, and in your land.

Homicide or Manslaughter.

HOMICIDE or *Manslaughter*
the killing of a man felon-
ously without malice
thought. It is also defini-

Homicide is the killing of
by a man. And if such kil-
ing be by a Dog, or a
cat, it is not properly
homicide, for it is called
the killing of a man, and to kill, as
the killing of a man.

Honour.

Honour, besides the generall
signification, is used specially
to signify a noble sort of Roy-
alty, whereof other inferior
Honours doe de-
pend by performance of cu-
stomes & services, some of
those that are Honours of
the King, and it seemeth that there
are Honours but those
originally appertained to
the King, yet they may after-
wards be given in fee to Ho-
nourable men. The manner of crea-
tion of these Honours may be
collected out of the Statutes
of Anno 31. Hen. 8. cap. 5.
wherein the Court is made
Honour, and Anno 33. ejusd.
cap. 38. whereby Dignities
are likewise made
Honours: and Anno 37. ejusd.
cap. 12. whereby the King hath
power to give him by his Let-
ters Patents to erect fourte se-
veral Honours of Westmin-
ster, Kingston upon Hull, &c.
in Essex, and Doding-
ton in Berkshire.

Hornegeld.

Hornegeld, that is, to be quit
of a certaine custome exacted
throughout all the land,
whiche is called the bozne of the

issint, Homicidium est homi-
nis occisiō ab hominē facta.
Sicut a Cane. Bove, ou a
lialia re, non dicitur proprie ho-
micidū: dicitur homicidium ab
homini, & credo, quasi hominis
caedum.

Honour.

HONOUR, prest le geſſal ſigni-
fication eſt uſe ſpecialment p
le plus noble ſort de Seig-
nories, de que autre inferiour
Seignories ou Manors depen-
dant per performance des cu-
stomes & ſervices, un ou autre
al ceux que ſont Seignours d
eux: Et ſemble q̄ la ſont nuls
Honours forſq; ceux que ori-
ginalement appertinent al Roy,
uncore ils poient en aſſe eſtre
done en ſee al Noble-homes.
Le manner del creation de
ceux Honours poit en part e-
ſtre collect hors des Statutes
de Anno 31. Hen. 8. cap. 5. lou
Hampton Court eſt fait un
Honour, & Anno 33. ejusd.
cap. 37. & 38. per que Amp-
til & Gaſton ſont auxy
faits Honours: & Anno 37.
ejusd. cap. 12. per que le Roy
ad poyar done a luy, p ſes Let-
ters Patents, de erecte quater
ſeveral Honours de Weſtmin-
ſter, Kiſington ſur Hul, S. O-
ſithes en Eſſex, & Dodington
en Barkſhire.

Hornegeld.

HORNEGELD, hoc eſt, quietū eſſe
de quadā conſuetudine exacta
p Tallagiū p totā ſtram, ſicut
de quacunq; Beſtia cornuta.

Hospitaliers.

Hospitallers.

Hospitallers (*Hospitalarii*) sont un ord^r d^s Chivalers primes foundue al Jerusalem, & appels Joannites ou Chivalers d^s S. Iohn de Ierusalem, & fueront appels Hospitallers, p^r ceo q^u ils edifie un Hospital al Jerusalem pur l'interveinment de ceux q^u veignent des tous parts del monde pur visiter les sacred lieux, & ils guardont & defend tiels Pilgrims en leur journeyes. Le Institution d^e cest order fuit primes allowe. per Pape Gelasius 2. entour l'an 1118. Et ils avoyent multa privileges grauntus as eux, come immunities del payment des dismes, &c. Et pur ceux ils sont plusieurs foits mencions en nostre livres. Troverers leur privileges as eux reserves en lestar. de *Mag. Chart. cap. 37.* Et poies veier le droit des subjects le Roy vindicare d^e l'usurpation de leur jurisdiction p^r lestatute *West. 2. cap. 43.* Leur chiefe residence est ore en le Isle de *Melita*, usualment appel *Malta*, done as eux per le Emperour *Charles* le cinquieme. Et p^r ceo sont appels ore Chivalers de *Malta*. Tous les tres & biens d^e ceux Chivalers icy en Engleterre fueront mises en le disposition le Roy per lestatute de 32. *Hchr. 8. cap. 24.*

Houseboote.

Houseboote est necessary mesure q^u le Lessee pur ans

Hospitallers.

Hospitallers (*Hospitalarii*) an Order of Knight^s founded at Jerusalem, called the Joannites or Knights of S. John of Jerusalem, they are called Hospitallers for that they built an Hospital at Jerusalem for the interveinment of all such as from any part of the world came to the holy places, and to protect such Pilgrims their journeyes. The Institution of their order was first allowe by Pope Gelasius the second about the yere 1118. They had many privileges graunt unto them, as immunities from payment of tythes, &c. And this they are often mentioned in our books. You shall find their privileges reserved in the Stat. of *Mag. Chart. cap. 37.* And you shall see the right the Kings subjects have from the usurpation of their jurisdiction by the Stat. of *West. c. 43.* Their chiefe abode is in the Island of *Melita*, commonly called *Malta*, given them by the Emperour *Charles* the fifth. And for that they are now called Knights of *Malta*. Their lands & goods of these knights here in England were put in the disposition of the King by the Statute of 32. *Hchr. cap. 24.*

Houseboote.

Houseboote is necessary to her that the Lessee for years

right, of common right may
upon the ground to repaire
houses upon the same ground
leased, although it be not
in the lease, and although
the lease by word without
writing. But if he take more than
what is in the lease, he may be punished by
fine of waste.

Hue and Crie.

Hue and Crie is a pursuit of
a person having committed felony
by the high way, for if the
robbed, or any in the com-
pany of one that was murdered
or wounded, commeth to the Con-
stable of the next Towne, and
showeth him to raise Hue and
Crie, to make pursuit after
the offender, describing the
offender, and the way as nere as
he can, which way he is gone,
the Constable ought forthwith
to call upon the Parish for
seeking the Felon, and
if he be not found there, then
to give warning to the next
Constable, and so to the next
Constable, untill the offender be
apprehended, or at the least un-
till he be so pursued to the sea.
Of this see Bracton, lib. 3.
cap. 5. Smith de Repub.
lib. 2. cap. 20. and the Sta-
tute of Winchester made Anno
11. and the Statute of 28.
Hen. 8. an. 27. El. c. 13.

Hundred.

Hundreds were divided by
Alfred the King, after that
he had divided the whole Realme
into certain parts or sections,

ou pur vie, de common droit
poit pnder sur le fre, repaier
les measons sur m le fre a luy
lessa, nient obstant il ne soyt
expresse e l' lease, & nient ob-
stant il soit un lease per parols
sans fait. Mes si ils prist plus
q besoigne, il poit estre punish
per un action de Waste.

Hue & Crie.

Hue & Crie est un pursuit
de un aiant comit felonie
per le haut chemin, car si le
partie rob, ou ascun en le com-
panie de un q fuit murdr ou
rob vient al Constable del
prochein Villa, & luy com-
manda de faire Hue & Crie,
ou de faire pursuit puis l' of-
fendor, describant le partie,
& cypres que il poit mon-
strans quel voy il est ale, le
Constable doit immediatmt
de appeller sur le Paroshe pur
ayde en querance le Felon,
& si ne soit treuve la, donque
de doner garrin al prochein
Constable, & il al prochein
luy, ielsque l' offendor soit
apprehend, ou al meins iels-
que il soit este pursue al la-
tere de mere. De ceo veies
Bract. li. 3. traft. 2. c. 5. Smith
de Repub. Angl. li. 2. cap. 20. &
lestatute de winchest. fait An-
13. E. 1. & lestat. de 28. E. 3.
ca. 11. & an. 27. El. ca. 13.

Hundred.

Hundreds fueront devisee p
Alfred le Roy, apres que
il ad divide l' entier Realme
en certain parts ou sections. le
B b quel

The Exposition of

quel d le Saxon parol *Scyran* significât d scinder, il terme Shires, ou (sicôe nous uncore parle) Shares & Portions. Ceux Shires il auxy divide en petits parts, de queux ascuns fueront appellees Lathes, de le parol *Gelathian*, que est de assembler ensemble : auters Tythings, issint nosme pur ceo q la fueront en chescun de eux al number d dize psons, d que chescun fuit surety & pledge pur auters bone behaviour : auters Hundreds, pur ceo que ils containe jurisdiction sur un hundred homes, ou pledges, d-murrant peradventure en dux ou trois, ou plus Paroches, Boroughs, ou Villes, esteaunt & adjoynaunt nient meines pcheine ensemble, en le quel il appoint administration de Justice destre exercise severallment enter eux de mesme le Hundred, & nemy q l'un irra hors disordernt e l'aut Hundred, Lathe, ou Tything, en que il ne demurt. Ceux Hundreds continue a cest jour en force, nient obstant ne en tout al mesme le parpose, pur que al primer ils fueront ordeine, uncore a ore mult necessarie, & en temps de peace pur bone order de government divers voies & auxy en guerre p certaintie de levying de homes : Cõe auterrât pur le plus speedie collections des payments graunt en Parliament a le Royes & Roygnes de ceo Realme.

which of the Saxon word *Scyran*, signifying to cut, he termed Shires, or (as we yet speak) Shares and Portions. These Shires be also divided into smaller parts, whereof some were called Lathes, of the word *Gelathian*, which is to assemble together : others Tythings, so named, because there were in each of them to the number of ten persons, whereof each one was surety and pledge for others good behaving : others Hundreds, because they contained jurisdiction on over one hundred men or pledges, dwelling peradventure in two, or three, or more Parishes, Boroughs, or Towns, lying and adjoining neighbourly somewhat next together, in which he appointed administration of Justice to be exercised severally among them of the same Hundred, and not that one should runne out disorderly into another's Hundred, Lathe, or Tything, wherein he dwelleth not. These Hundreds continue to this day in force, although not altogether to the same purpose, whereunto first they were appointed, yet still very needfull both in time of peace for good order of government divers waies, and also in war for certaintie of levying of men: As also for the ready collections of payments granted in Parliament to the Kings and Queenes of this Realme.

Hundre-

Hundredum.

Hundredum.

Hundredum, that is, to be
of money or customes
due to the Governours,
Hundredors.

Hundredum, hoc est, quie-
tum esse de denariis vel
consuetudinibus faciendis Præ-
positis & Hundredariis.

Hustings.

Hustings.

Hustings (Hustingum) is a
Court of Common Pleas,
where the Mayor and Al-
dermen of London, and it is the
Court that they have,
error or attaint lyes there
Judgement of false verdict
Sheriffes Court, as it
is by Fitzh. N.B. 22. H.
by the Statute of 11.
And other Cities
Townes have had a Court
of the same name, as Winche-
ster, Lincolne, Yorke, and
Sheppy.

Hustings (Hustingum) est un
Court de Common Pleas
tenus d'avant le Maïor & Al-
dermen de Londres, & est le
plus hault Court que ils ont,
car error ou attaint gist la
dun Judgement ou faux ver-
dict en le Court le Viscount,
come appiert per Fitz. N. B.
22. H. &c. & per lestatute de
11. H. 7. cap. 21. Et auters Ci-
ties, & Boroughs, ont ew un
Court de m le nosme, come
Winchester, Lincolne, Yorke,
& Sheppy.

I.

I.

Ideor.

Ideor.

Ideor is he that is a soile na-
tural from his birth, and
knoweth not how to account
for twenty pence, or can-
not his father, or mother,
what age himselfe is, or
the cause & common mat-
ter that it appeareth he
in manner of understan-
ding reason or Govern-
ment himselfe. What is for
him or his profit, &c. But
he has so much knowledge
that he can reade, or learne
by instruction and in-

Ideor est celuy q̄ est un sot
natural de sa neisture, & ne
seavoit de accompter ou
number xx. d̄, ne poit nosme
son pere, ou mere, ne de quel
age luy m̄ est, ou tiel sembla-
ble plaine & common cho-
ses, issint que il appiert que
il nad aucun manner de in-
tendement de reason ne go-
vernment de luy mesme, quel
est pur son profit ou dispo-
sit, &c. Mes sil ad tant intel-
ligence que il poit lier, ou
apprehender de lier per in-
struction

The Exposition of

struction & information des autres, ou poit mesure un ulne de drape, ou nosme les iours en le semaine, ou engender un enfant, fitz, ou fille, ou tiel semblable, per que il poit appeare, que il ad ascun lumen de reason, donques tiel nest Ideot naturalment.

Idemptitate nominis.

I*demptitate nominis* est un Briefe, & gift lou Briefe de dette, covenant, accompt, ou tiel semblable Briefe est port vers un home, & un autre que ad mesme le nosme come le Defendaunt ad, est pris pur luy, donques il avera cest Briefe, per que le Viscount fra inquire devant le Justice assigne en mesme le Countie, si soit mesme le person ou nemy, & si ne soit trove le partie, donques il alera sans iour en peace.

Ieofoile.

I*eofoile* est quant les parties al ascun suit en pleadant ont a tant proceed que ils ayant ioyne issue quel serra trie, ou est trie per un Jurie ou Enqst. Et cel pleading ou issue est cy malemt plede ou ioyne que il serra error si eux proceed: Donque ascun del dits parties poit p lour counsel mre ceo al Court auxibien apres verdict done & devant iudgmt, come devant l' Jurie soit charge. Le monstrans de quex defectes devant le Jurie charge, suit sovét qnt le Jurie veigne al Court d

formation of others, or measure an ell of cloth, name the dayes of the week, or beget a childe, son, daughter, or such like, where by it may appeare that he hath some light of reason, then such a one is no Idiot naturally.

Idemptitate nominis.

I*demptitate nominis* is a writ and it lyeth where a count debt, covenant or account, such other writ is brought against a man, and another that hath the same name as the Defendant hath, is taken for him then he shall have this writ by the which the Sheriff shall make inquiry before the Justice assigned in the same County, if he be the same person or not, if he be not found to be the party, then he shall goe without day in peace.

Ieofoile.

I*eofoile* is when the party to any suit in pleading has proceeded so far that they have joined issue, which shall be tried by a Jury or by a Judge. And this pleading or issue is so badly pleaded or joined that it will be error if they proceed: Then some of the parties may by their counsel bring to the court as well after verdict given and before judgment, as before the Jury be charged. The shewing of which defects before the Jury charged, is often when the Jury come to

Count to try the issue: then
counsel which will shew it
by. This inquest ye ought
to take. And if it be after
that, then he may say, To
whatment you ought not to go.
because by such many de=
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rour commanded the formes of
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ly use of pleading doth seeme a=
ble to recall them, or rather,
that of them increase as the
serpent of Hydra. See also now a
statute of Ieofsails made
in Iac. cap. 13.

Ietsam.

Ietsam is when a Ship is in
peril to be drowned, and to
save the Ship the Mari=
ners cast the goods into the sea,
although afterward the
goods perish, and none of those
goods called Ietsam, Floatsam,
or Drift, are called Wreck, as
long as they remaine in or up=
on the sea, but if any of them
be taken to land by the
sea, there they shall bee said
to be wreck, and passe by the
name of wrecke, Coke lib. 1.

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wreck, cy long come ils re=
maine en ou sur le mere:
mes si aucun de eux sont mise
al terre per le mere, donque
ils seront dit wrecke, & passe
per legraunt de wrecke, *Cok.
lib. 5. fol. 106.*

Illoyal assembly.

Illoyal assembly is where
people assemble themselves
to doe some unlawfull

Illoyal assembly est lou
people eux assemble infi=
mul pur faire illoyal chose
Bb 3 encounter

The Exposition of

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 mul pur faire illoyal chose
 B b 3 ENCOUNTER

The Exposition of

encounter le peace, nient obstant que ils ne execut leur purpose en fait.

thing against the peace, though that they execute their purpose indeed.

Impeachment de Waste.

Impeachment de waste (*Impetio vasti*) est tant adire cōe un demaund fait ou destre fait pur waste fait p un Tenāt q nad forsque un particular estate pur vie ou pur ans. Et pur ceo cestuy q ad tiel lease sauns impeachmt de waste, ad p ceo un proprietie ou interest a luy done en les meafes ou arbres, & poit faire waste en eux sans estre impeach pur ceo, cestascavoir sans estre question, ou aucun recompence de luy demaund, pur le waste fait. Veies *Co. l. ii. en Bowles case, f. 82. b.*

Impeachment of Waste.

Impeachment of Waste (*Impetio vasti*) is as much to say a demand made or to be made of recompence for waste made by a Tenant that hath any particular estate for life or years. And therefore he that hath any lease without impeachment of waste, hath by that a property or interest given him in the houses & trees, and may make waste in them without being impeached for it, that is, without being questioned or demanded any recompence for the waste done. See *Co. li. ii. Bow. case, fol. 82. b.*

Implements.

Implements venust ou del parol Francois (*Emploier*) ou del Latine (*Implere*) & est use pur choses necessarie destre use en aucun trade ou myserie, queux sont implyes ē le practice del dit trade, ou sauns q x l' ouvrage ne poir estre accomplish. Et issint auxy pur le furniture del household, quibus impletur domus. Et en ceo sensē vous troveres le parol plusors foits en darreine volunts & auters conveyances d's moveables.

Implements.

Implements comes either from the French word (*Emploier*) (*employ*) or from the Latine (*implere* to fill up) and it is used for things of necessary use in any trade or mystery, which are employed in the practice of the trade, or without which the worke cannot be accomplished. And so also for furniture of household with which the house is filled. And in that sense you shall finde the word often in wills and conveyances of moveables.

Impost.

Impost est un parol Francois que signifie tribute, mes ovenous est prise pur le taxe pay al Roy pur aucun merchant.

Impost.

Impost is a French word that signifies tribute, but with us it is taken for the tax that is paid the King for any merchant.

brought in into any haven
places beyond the seas.
It is used in the Statute
31. Eliz. cap. 5. as a word of
the same signification with cu=
which Merchants pay.

Imprisonment.

Imprisonment is no other thing
but the restraint of a man's
liberty, whether it be in the
house, or in the stocks, or
in the streets, or in a man's
garbouse, as well as in the
common Gaole. And in all
these places the party so re=
strained is said to be a priso=
ner so long as he hath not
liberty freely to goe at all
times to all places whither he
will, without baile or mainprise,
or otherwise.

Incumbent.

Incumbent comes of the La=
tine (Incumbere) and signi=
fies him that is presented, ad=
mitted and instituted to any
Church or Benefice with cure,
and is therefore called the In=
cumbent of that Church, because
he hath bound all his study to the
discharge of the cure there.

Indicavit.

Indicavit is a writ, and lyeth
where debate is between two
parties in Court Christian of
the Church, or part of a
Church for dimes, which a=
mounteth at the least to the va=
lue of the fourth part of the
Church, & for that that the pa=
rties of the Clerk of the Defen=

dize emport en aucun haure
hors des lieux ouster le mere.
Et est use en le Statute de
31. Eliz. cap. 5. come un syno=
nymon ove custome q^x Mer=
chants payont.

Imprisonment.

Imprisonment nest aut chose
forsq^e le restraint del liberte
d'un home, soit ceo en l' over
champs, ou e le cippes, ou cage
en les estreets, ou en le proper
meason d'un home, cibien coe
en le comon Gaole. Et e tous
ceux lieux le partie issint re=
straine. est dit destre un priso=
ner, cy longement come il nad
son libertie frankment de ire
a tous temps & lieux lou il
voit, sans baile ou mainprise,
ou autrement.

Incumbent.

Incumbent venust del La=
tine (Incumbere) & signi=
fie cestuy que est present, ad=
mit & institue al aucun Es=
glise ou Benefice ove cure,
que est pur ceo appel l' In=
cumbent de ceo Esglise, eo
quod incumbit ad curam ani=
marum, ibid. omni studio.

Indicavit.

Indicavit est un Brieve, &
gist lou debate est perenter
deux Clerkes en Court Chri=
stian d'un Esglise, ou part de
un Esglise pur dimes, que a=
mount al meines a le value
de la quart part del Esglise,
& pur ceo que le patron del
Clerke le Defendant perda
B b 4 son

The Exposition of

son advowson, si le Clerke le Plaintiff recouera, donques il avera Briefe direct al Clerke le Plaintiff, ou al Officers del Court Christian, eux commandaunt de cesser de leur plee, iesques il est discussé en Court le Roy a que l'advowson appent: Et cest Briefe serra enter quater persons, deux seront Patrons, & deux seront Clerkes. Mes cest Briefe nest retournable, mes sils ne cessent leur suit, il avera un attachment.

Indorsement.

Indorsement est ceo que est escrie sur le dorse dun escript, come le condition dun obligation est dit destre indorse, pur ceo que est escry sur le dorse del obligation.

Infangtheefe.

Infangtheefe, hoc est, que Latrones capti in dominico vel in feod vestro de latrociniiis convicti, in Curia vestra iudicent.

Information.

Information pur le Roy est ceo q pur un common pson est appel un declaration, & nest tous foits fait directmēt per le Roy, ou son Attourney, mes per un autre home, *Qui tam pro Domino Rege, quam pro seipso sequitur*, sur le breach d'ascun penal Ley ou Statute, en queun penaltie est done al partie que voit suer pur ceo, mes nul action de

dant shall lose his advowson the Clerk of the Plaintiff recover it, he shall have Briefe directed to the Clerk of the Plaintiff, or to the Officers of the Court Christian, them commanding to cease their pleading, in as much as it is discussd in the Court to whom the advowson belongs: & the writt shal be between four persons, two shall be Patrons, and two shall be Clerkes: & this writt is not returnable, if they cease not their suit, he shall have an attachment.

Indorsement.

Indorsement is that that is written upon the backe of a deed, as the condition of an obligation is said to be indorsed, for that that is written on the backe of the obligation.

Infangtheefe.

Infangtheefe, that is, the Thieves taken within your demesne or fee conbided thefts, shall be judged in your Court.

Information.

Information for the King is that which for a common person is called a declaration, and is not alwaies done directly by the King or his Attourney, but rather by some other man, Who sueth or informeth as well for himselfe, as on the behalf of some penall Law or Statute, wherein a penalty is given to the party that will sue for the same, but no action de

to recover it, then it must
be by information.

Ingrosser.

An **Ingrosser** comes of the French
word **Grosier**, that is to say,
that selleth by whole sale.
In our Law an **Ingrosser**
is one that buyeth Corn,
Wine, Butter, Cheese, Fish,
or other dead victuals, with an
intent to sell the same againe.
He is defined in the Sta-
tute of 5. E. 6. ca. 14. made against
Ingrossing.

Inhibition.

Inhibition is a writ to inhi-
bit a Judge to proceed fur-
ther in the cause depending be-
tween him. See *Fitzh. Nat. Brev.*
fol. 39. where he putteth pro-
hibition and inhibition toge-
ther. **Inhibition** is most com-
monly a writ issuing forth of a
higher Court Christian, to a
lower and inferiour, upon an
appeale, Anno 24. Hen. 8. cap. 12.
and prohibition out of the
Kings Court of Record at
Westminster, to a Court Chri-
stian, or to an inferiour tempo-
rall Court.

Injunction.

Injunction is an interlocu-
tory decree out of the Chan-
cerie, sometime to give posses-
sion to the plaintife for defect
of appearance in the defendant,
sometime to the ordinary
Courts of the King, & sometimes
to the Court Christian, to stay
proceeding in a cause upon sug-

gesture pur recover ceo, donqil
doit este ewe p information.

Ingrosser.

Ingrosser venust del paral
Francois **Grosier**, id est,
Solidarius venditor. Mes en
nostre Lee un **Ingrosser** est
un q achate Bleece, Graine,
Beurre, Formage, Poisson, ou
auter mort victuals ove un in-
tent pur ceus vendre arere.
Et issint il est define en lesta-
tute de 5. E. 6. cap. 14. fait en-
counter tiel **Ingrosser**.

Inhibition.

Inhibition est un Briefe d in-
hibir un Iudge de proceder
ouster en le cause dependaunt
devaunt luy. Veies *Fitzh. N.B.*
fol. 39. ou il mita prohibition
& inhibition ensemble. Inhi-
bition est plus communement
un Briefe issuant hors d un
plus haut Court Christian, a
un plus basse & inferiour, sur
un appeale, *An. 24. H. 8. ca. 12.*
& prohibition hors d l Court
le Roy de Record al West-
minster, a un Court Chri-
stian, ou a un inferiour Court
temporall.

Injunction.

Injunction est un interlocu-
torie decree hors d l Chan-
cerie, ascun foits, a done pos-
session al plaintife, pur defect
de apparance en le defendant,
ascun foits al ordinary Court
del Roy, & asc' foits al Court
Christein, destop p pceeding
en un cause sur suggestion fait,

The Exposition of

q le rigour del Ley sil prend
lieu, est conē equity & con-
science en eel case, veies West.
p^{ar}. 2. tit. Proceedings in Chan-
cery, sect. 25.

Inmates.

INmates sont ceux personis
dun family que sont pmittes
pur vener & inhabiter en un
cottage ensemble ove un au-
ter family, pur que les povers
del Parish serront increases. Et
pur ceo p lestatute d 31. Eliz.
cap. 7. la est un penaltie d diez
sous per mois impose p chef-
cun que recevra ou conti-
nuera tiel Inmate.

Instant.

INStant, que est dist en La-
tine *Instant*, & define p les
Logicians, *Unum indivisibile
est tempus, quod non est tempus,
nec pars temporis, ad quod ta-
men partes temporis copulan-
tur*, est mult consider en Ley :
& comt ne poit actualment de-
ste divide, une est en conside-
rac' & conceit divide & apply
al seūal purposes, sicome fue-
ront severall temps, de quel
veies en Monsieur Plowdens
Commentaries en le case enter
Fulmerston & Stuard, lou le-
statute 31. H. 8. que enact, Que
si Abbe deins an devant cest
Statute lessa terre al un, que al
temps del fealsnee de mesme
le lease eyte mesme le terre al
ferme pur terme de ans, donq
niens expiere, que le Lessē
avera cest terre solement pur
vint un ans, est expound.

gestion made, that if the rigour
of the Law take place, it is
gainst equity and conscience
thit case, see West. p^{ar}. 2. tit. Pro-
ceedings in Chancery, sect. 25.

Inmates.

INmates are those persons
one family that are suffered to
come and dwell in one cottage
together with another family
by which the poore of the pa-
rish will be increased. And
therefore by the Statute of 31.
Eliz. cap. 7. there is a penalty
ten shillings a moneth set upon
every one that shall receive or
continue such an Inmate.

Instant.

INStant, id est, in Latin In-
stants, and defined by the La-
gicians, A thing not dividable in
time, which is not any time, nor
part of time, to which yet the
parts of time are conjoynd, is
much considered in the Law, al-
though it cannot be actually di-
vided, yet in consideration and
conceit may be divided & applied
to severall purposes, as if they
were severall times, whereof see
in Mr. Plowdens *Commentaries* in
the case betwene Fulmerston &
Stuard, where the Statute of
31. H. 8. which enact, That if
an Abbot within a yeere before
the Statute had letten land to
one who at the time of the ma-
king of that lease had the same
land to ferme for a term of years,
then not expired, that the lessee
should have that land onely for
twenty one yeers, is expounded.

So there it is debated, That
the Termor taketh the
lease, he surrenders his
former terme which he had be-
fore, and so at the same time at
the taking of the second lease,
the former terme was expired,
and so at one instant and time
both a former terme, and also
the former terme was expired
and determined. And in the case
between *Petit and Hales*, he
which killerth himselfe, till he be
dead, commits not felony, and
when he was dead, he was
not in being, so that he might
not be termed a felon, but at the
instant is in the Law adjudged
felon.

And so there be many other
cases in law, where the instant
time, that is not divisible in
nature, in the consideration of
the mind and understanding of
the Sages of the Law is di-
vided, upon which arise many
arguments of great wit and
profound judgement.

Inrolment.

Inrolment is the registering,
recording, or entering of any
act or deed in the Chancery or
elsewhere, as of a Recogni-
zance, a Fine, a Statute, or a
deed indented by the Statute
of 17. Hen. 3. cap. 16. by which a
writ shall passe.

Intension.

Intension is a writt that lyes
against him that enters after
the death of Tenant in dower.
Whether Tenant for life, and

Et la est debate, Que
quant Termor prent le second
lease, il surrender son form'
terme que il avoit devaunt, &
sic al mesme temps del prisel
del second lease, il eit un for-
mer terme, & per le prisel del
second lease, le former terme
fuit expire, & issint al un in-
stant & temps, il eit un for-
mer terme, & auxy le former
fme fuit expire & determin.
Et en l'case enf *Petit & Hales*,
cestuy que occide luy mesme,
tanque soit mort, ne fesoit fe-
lonie, & quant fuit mort, ne
fuit en esse, issint que poit este
dit felon, mes al instant est en
Ley adjudgé felon.

Et sont mults auters cases
en Ley, lou l' instant temps,
que est indivisible en na-
ture, en consideration del
ment, & entendement del
Sages del Ley est divide, sur
queux surde mults arguments
de graund ingenie & pro-
found judgement.

Inrolment.

Inrolment est le register, re-
corder, ou entrer d'aucun act
ou fait en le Chancerie ou au-
ters, come dun Recognizance,
Fine, Statute, ou fait indent
per le statute de 17. Hen. 3.
cap. 16. per que un franktenc-
ment passer.

Intension.

Intension est un Brieft que
gist vers celuy que enter a-
pres le mort Tenât en dower,
ou aucun autre Tenât pur vie,
& re.

The Exposition of

& tenuit hors celui en le reversion ou remainder. Et veies pur ceo *Fitzh. N.B. fol. 203. E.* Et chescun entry sur le possession le Roy est appel un Intension, come lou le beire le Thre le Roy ent apres office, & devaunt liverie, ceo est dit un Intension sur l' Roy, come appiert en *Stamf. Prerog. fol. 40.* & mults autres livres.

Inventory.

INVENTORY est un catalogue ou recital en escript des tous les biens & chattels d'un que est mort, ove le valuation deux per quater credible persons, le quel chescun Executor & Administrator doit exhibit al Ordinarie al temps appoint.

Joyntenants.

JOYNTENANTS sont lou deux homes vient a asc' fies ou tenements per un joynt title, come si home done fre a deux homes & lour heires.

Mes Tenants en common sont lou deux homes ont fies per several titles, ou per seoffment al deux a aver & tener l'un moytie al un & ses heires, & l'auter moytie al autre & ses heires, en tous ceux cases nul de eux scavoit son several, cōc il serra dit apres.

Et nota, si sont deux ou trois Joyntenants, & un ad issue & devle, donqs cestuy qu'eux Joyntents q' survive q' avera l'entierie per le survivor.

Mes si deux Joyntents sont

holds out him in the return or remainder. And so for Fitz. N.B. fol. 203. E. And entry upon the possession of the King is called an Intension where the heire of the King of the King enters after office and before liverie, this is called Intension upon the King, as appears in Stam. Prerog. fol. 40. and many other books.

Inventory.

AN Inventory is a catalogue or recital in writing of all the goods and chattels of one that is dead, with the valuation of them by four credible persons, which every Executor and Administrator ought to exhibit to the Ordinary at the time appointed him.

Joyntenants.

JOYNTENANTS be where two men come to any lands and tenements by one joynt title, as a man give lands to two men and to their heires.

But Tenants in common be where two men have lands by severall titles, or by seoffment to two, to have and to hold the one halfe to one and his heires, and the other halfe to another & his heires, in all such cases none of them knoweth his severall, as it shall be said after.

And note well, if there be two or three joyntenants, & one hath issue and dyeth, then he or they joyntenants that overlive shall have the whole by the survivor.

But if two Joyntenants make

partition between them by agreement, then they be Tenants.

If one Joyntenant grant that belongeth to him to a stranger, then the other Joyntenant and the stranger be Tenants in common.

Although two Tenants in common be seised throughtly and the whole, and none knoweth the other, yet if one die, the other shall not have the whole by descent, but the heire of him that dyed shall have the halfe.

And so if there be three Joyntenants, & one of them maketh a feoffment of his part to another, the feoffee dyes, then his heire shall have the third part, and the other two be Joyntenants as they were, because they two be seised by one joint title.

If lands be given to the husband & to his wife, and the husband alieneth and dies, the wife shall recover the whole: But if they were Joyntenants before the husband, then in such case she shall recover but the halfe.

If land be given to the husband & to his wife, & a third person, if the third person grant that belongeth to him, the halfe passeth by this grant, so that that the baron and his wife be but one person in the law, and in this case they have nothing in right but the halfe.

If two Joyntenants be seised in a Town that is Borough English, where land is divisible, and one by his Testa-

ment enter eux per fait p agreement donqs ils sont several tenants.

Mes si un Joyntenant grant c' q a luy appent, a un estrange, donqs l' auf Joyntenant & l' estrang' sont Tenaunts en common.

Et mesque deux Tenaunts en common sont seise per my & per tout, & nul conust son several, unc' si un devie, l'aut ne aia lentierte per surviũ, mes l'heire de celuy q devie aia le moitie.

Et issint si sont trois Joyntenants, & un de eux fait feoffment de son part a un autre, & le feoffee devie, donques son heire aia le tierce part, & les autres deux sont Joyntenants come ils fueront, pur ceo que eux deux sont seises per un joint title.

Auxy si terre soit done al baron & sa feme, & le baron alien & devie, le feme recouvrera lentierte: Mes si ils fueront Joyntenants devant le couverture, donqs en tiel case il recouvrera forsque le moitie.

Auxy si terre soit done al baron & sa feme, & al tierce person, si le tierce person graunt ceo q a luy appent, la moitie passa per cel grant, pur ceo q le baron & sa feme sont forsque un person en le Ley, & en cest case ils nount en droyt forsque le moitie.

Auxy si deux Joyntenants sont des fies en Ville que est Borough English, lou terre est divisible, & l'un p son Testament

The Exposition of

ment devisa ceo que a luy appent, a un estranger, & devie, cest devise est void, & l'auter avera l'entierie per survivre, pur ceo que le devise ne poit prendre effect tanque apres le mort le Devisor, & immediare apres le mort le Devisor, le droit devient al auter Joyntenant per le survivre, le quel ne clame riens p le Devisor, mes en son droit demesne per le survivor. Mes autrement est de perceners seises des tres devisables, *causa qua supra*.

Journies accounts.

Journies accounts (*Dietæ computatæ*) est un terme en le Ley que est use en cest maner: Si un Brieve soit abate sans le default le Plaintife ou Demandant, il poit ore purchase un novel Bře, que si soit purchase p Journies accounts (cesta escavoir, deins cy petite temps, cōe il poit apres l'abatement d'l primer Bře) donque cest second Bře serra cōe un continuance del prim Bře, & issint oustera le Tenant ou Defendant de son voucher, Plea de non teneur, Joyntenancy pleinsint administer, &c. ou ascun aut plea que accrue sur matter apres le date d'l prim Brieve. Et quinze jours ont estē reputes un convenient temps pur le purchase d'l novel Brieve. Veies pur cest Brieve p Journies accounts, *Spensers case, Coh. lib. 6. fol. 9. b.*

ment deviseth that that belongeth to him, to a stranger, and devie, this devise is void, and the other shall have the whole by survivor, for that the devise may not take effect till after the death of the Devisor, and immediately after the death of the Devisor, the right cometh to the other Joyntenant by the survivor, the which claimeth nothing by the Devisor, but in his owne right by the survivor. But otherwise it is of perceners seised of lands devisable, *causa qua supra*.

Journies accounts.

Journies accounts (*Dietæ computatæ*) is a terme in the Law, which is used in this manner: If a writ be abated without the default of the Plaintiff, Demandant, he may now purchase a new writ, which is to be purchased by Journies accounts (that is to say, within as little time as hee possibly can after the abatement of the first writ) then the second writ shall be as a continuance of the first writ, so shall ouste the Tenant or Defendant of his voucher, Plea of Non teneur, Joyntenancy fully administered, &c. of any other plea which arises upon matter hapning after the date of the first writ. And fifteen dayes have been held a convenient time for the purchase of the new writ. See for this writ by Journies accounts, *Spensers case, Coh. lib. 6. fol. 9. b.*

Ioynture.

Ioynture.

There is an estate and assurance made to a woman in consideration of marriage, for term of life, or otherwise, as is contained in the Statute of 12. cap. 10. whether it be made after the marriage: or before the marriage, she may at her liberty after the death of her husband refuse to have the lands so assigned to her ioynture, and demand her dower at the common law, but if it be made before marriage, then she may not refuse such ioynture, nor have her dower according to the common law, unless that when she is asked her writ of dower she do not pleadeth such a plea, which shall not barre her of her dower, then she shall be endowed. As if he say in bar, that her husband was not seised of such lands whereof she might be entitled, or any such plea, and she shew that she hath a deed made, &c. and therefore she hath judgement of that ioynture, if she shall be endowed, or any such plea, &c. And this was the opinion of the right worshipful Master Brograve at his sitting in Graues Inne in Sumner, an. 1567. 18. El. upon the Statute made 12. cap. 10. concerning ioyntures and dowers.

And by him of those things whereof a woman may be entitled, she may have ioynture.

Ioynture est un estat & assurance fait al un feme en consideration de Mariage, pur terme de sa vie, ou autrement, come est mention en lestatute 12. Hen. 8. cap. 10. soit il devant ou apres le mariage: Et si soit apres le mariage, donques el poit a sa libertie apres le mort de sa baron refuser de prender ou aver les tres assignes ioynture, & demand sa dower a le common Ley, mes si il soit fait devant mariage, donque el ne poit refuse tiel ioynture, ne aver dower accordant al common Ley, si non que quant el port sa Brieft de dower, le Defendant pleade tiel plea que ne voyle luy barrer de sa dower, donques el serra endowe: Sicome il dit en Barre, que sa baron ne fuit seise de tiel estat de que el doit este endowe, ou aucun tiel plea, & ne monstre que el ad un ioynture fait, &c. & pur ceo demand judgement de cel action ou judgement, si el serra auxy endow ou aucun tiel semblable plea, &c. Et ceo fuit l'opinion de le droit worshipful Monsieur Brograve al son lecture en Graues Inne en Sumner, an. 1567. 18. El. sur un branch del Statute fait 12. H. 8. cap. 10. concernant ioyntures & dowers.

Et p luy de ceux choses de que un feme poit este endowe, el poit aver un ioynture, come de

The Exposition of

de Mines, *Vesturam terra*,
Boys, Villes, Isles, Meadows,
& tiels semblables. Item d'un
Advowson, d'un Reversion d-
pendant sur un estate pur vie,
d'un Windmil, un hault cham-
ber, un Rectory, & tiels auters,
& ils sont appels tenements.
Item d'un Villein, car il est he-
reditament: & de tous ceux
profit poyt veni al feme. Mes
de ceux choses de que nul pro-
fit poit venir, mes pl^r tost un
charge, un joynture ne poyt
estre fait. Veies pur c' matter
Co. li. 4. fol. 1. Vernons case.

Juris utrum.

Juris utrum est un Briefe que
gist pur le successor Incum-
bent d'un Benefice pur recover
les terres ou tenements apper-
reïnants al Eglise, que fue-
ront aliens p son predecessor.
Et veies de ceo *Fitz. N. B. fol.*
*48. B. & veies aps tit. *Vtrum.**

Justicies.

Justicies est un Briefe que est
direc al Viscount pur l' dis-
patch del justice en ascuns spe-
cial cases é son County Court,
des queux il ne poit p son or-
dinarie poier tener plea la. Et
de ceo pois veier presidents
en *Fitzh. N. B. fol. 117. C.* en
Account, & *fol. 152. B.* en An-
nuity, & *fol. 119. G.* en Det, &
plufors auters. Et est appel un
Justicies, pur ceo que est un
commission al Viscount ad ju-
sticiandum aliquem, & ne re-
quire ascun retourne ou certifi-
cate de ceo que il ad fait.

as of Mines, *Vesturam ter-
ra*, Woods, Townes, Isles, Me-
dows, and such like. Also of a
Advowson, of a Reversion d-
pending upon an estate for life
of a Windmill, an high Cham-
ber, a Rectory, and such other
and they are called tenements.
Also of a Villaine, for he is a
hereditament: and of all things
profit may come to the woman.
But of those things which
no profit will come, but rather
charge, a jointure cannot be
made. See *Cok. li. 4. fol. 1. Ver-
nons case.*

Juris utrum.

Juris utrum is a writ that lies
for the succeeding Incumbent
of a Benefice to recover the
lands or tenements belonging
to the Church, which were alien-
ed by his predecessor. See
of this *Fitz. N. B. fol. 48. B.*
see after in the title *utrum.*

Justicies.

Justicies is a writ which is re-
directed to the Sheriffe for the
dispatch of justice in some
all cases in his County Court
of which he cannot by his ordi-
nary power hold plea there.
Of this you may see presidents
in *Fitzh. N. B. fol. 117. C.* in Ac-
count, and *fol. 152. B.* in An-
nuity, and *fol. 119. G.* in Det,
and many others. And it is cal-
led a *Justicies*, because it is a
commission to the Sheriffe to
doe a man right, and it requires
no retourne or certificate of
that he hath done.

Justice seat.

Justice seat.

The seat is the highest Court
held in a Forest, and
is alwayes held before
the chiefe Justice in Eyre
in the forest. And it is not
but upon warning 40.
days before. And there the
judgements are alwayes given,
and fines let for offences that
are presented at the Courts of
the forest, and the offenders
are taken at the Swanmotes.
concerning this Court
Manw. For. Lawes, ca. 24. f. 238. b.

Justice seat est le plus hault
Court q̄ est tenu en un Fo-
rest, & est tous réps tenu de-
vant le Shīr chiefe Justice en
Eyre del Forest. Et nest tenu
forsq; sur un summons p 40.
jours devant. Et la les judge-
ments sont tous foits dones,
& fines assises pur offences q̄
fueront presents as Courts dī
Attachments, & les offenders
indictz as Swanmotes. Veies
de cest Court Manw. Forest,
Leyes, cap. 24. fol. 238. b.

L.

Theft.

L.

Larcenie.

Theft is a wrongfull taking
away of another mans
thing, but not from his person,
nor with intent to steal the thing against
whom whose goods they were.
And theft is in two sorts, the
one called simply, and the o-
ther petit or little theft.

Larcenie est un tortio⁹ pri-
vel d's biens d'un auf hōes
mes nemy dī son pson, ove un
ment d'eux emble, encont son
volunt q̄ biens il fueront.

Et Larcenie est ē dux sorts,
l'un issint appell simplemēt, &
l'auter petit Larcenie.

The first is where the thing
exceeds the value of xij. d.
and that is felony.

Le prim est lou le chose em-
blee exceeda l' value de xii. d.
& ceo est Larcenie.

The other (which is called
petit Theft) is where
the thing doth not exceed
the value of xij. d. and that is not
felony.

Le auf (que est appel pe-
tit Larcenie) est lou le
chose emblee ne exceeda le
value de xii. d. & ceo nest
Felonie.

Laches.

Laches.

Laches or Laches is as some
saye, an old French word
which signifies lacknesse or neg-
ligence, and true it is that that is
the signification of it, as it ap-
pares.

Laches ou *Laches* est come
semblee as ascuns un vieil
pol Francois, q̄ signifie negli-
gence, & voier est q̄ ceo est le
signification dī pol, cōe appi-
ert

The Exposition of

ert en *M. Littl. sect. 403. & 726.*
 lou Laches del entrie nest ri-
 ens forsç un neglect en l' in-
 fant pur enf. Isint q moy sem-
 ble que poit estre un vieux pa-
 rol Anglois. Et qñt nous diom-
 mus, Icy est Laches dentrie,
 est tant adire, come icy est
 lacke del entrie. Et uncore Ieo
 troue que (*Lascher*) en Fran-
 cois est laxare, & (*Lasche*) sig-
 nificat ignavum vel flaccidū:
 & pur ceo poit vener auxy d'l
 Francois. Car Erymologies
 sont divers, & plusors foits
ad placitum.

Lagan.

Lagan est tiel parcel d's biés,
 cõe les Mariners é le peril
 del naufrage jectont hors del
 niefe, & pur ceo que ils scavoi-
 ent que les biens sont ponde-
 rous, & voilont sinke, ils liont
 as eux un boy ou corke, al in-
 tent que poient eux trover &
 reaver. Si apres le niefe soit
 merge, ou autermt perish, ceux
 biens sont appels Lagan ou
 Ligan à *ligando*, & cy longermt
 cõe ils continue sur le mere, ils
 apperteinont al Admiral, mes
 fils sont jects sur le fre, adonç
 ils sont appels wrecke, & ap-
 pteinont a celuy que avoir le
 wrecke, come appiert en *Cok.*
lib. 5. fol. 106.

Lapse.

Lapse (*Lapsus*) est l' omis-
 sion del patron pur pre-
 senter al Eglise de son patro-
 nage deins sixe moys apres
 voydance per mort ou prisel

peares, *M. Littl. sect. 403. & 726.*
 where Laches of entry is no-
 thing else but a neglect in the in-
 fant to enter. So that I think
 it may be an old English word.
 And when we say, There is la-
 ches of entry, it is as much to
 say, There lacke is of entry,
 or there is lacke of entry. I
 yet finde that (*Lascher*) in
 French is to loyter, and (*Lasche*)
 signifies one that is idle as la-
 zie: and therefore it may
 come from the French. For
 etymologies are divers, and ma-
 ny times *ad placitum.*

Lagan.

Lagan is such a parcel of
 goods as the Mariners in
 danger of shipwacke cast out of
 the ship, and because they know
 they are heavie and will sink
 they fasten to them a dory or
 corke, that so they may find
 them, and have them again.
 If after the ship be drowned
 or otherwise perish, these goods
 are called Lagan or Ligan à
ligando, and so long as they
 continue upon the sea, they
 belong unto the Admirall, but
 if they be cast upon the land,
 they are then called a wrecke,
 and belong to him that hath the
 wrecke, as it appeares in *Coke*
lib. 5. fol. 106.

Lapse.

Lapse (*Lapsus*) is the omis-
 sion of a patron to pre-
 sent to a Church of his patro-
 nage within sixe moneths after
 an avoidance by death, or

another Benefice without
consent, or notice to him
of the resignation or de-
privation of the present Incum-
bent, by which neglect title is
conferred on the Ordinary to collate
to the said Church.

Lastage.

Lastage, that is, to be quit of a
certain custom exacted in
Markets, for carrying
things where a man will.

Latitat.

Latitat is a writ by which all
men in personall actions are
originally called into the Kings
Court to answer. And it is cal-
led *Latitat*, because it is suppo-
sed by the writ that the Defen-
dant cannot be found in the
County of Middlesex, as it ap-
pears by the returne of the
Sheriffe of that County, but
he lurks in another Coun-
ty, and therefore to the Sheriffe
of that County is this writ di-
rected to apprehend him.

Law-day.

Law-day signifies a Leet or
Sheriffes tourne, as it ap-
pears by the Statute of 1. E. 4.
where the Sheriffes tourne
is called, & 9. H. 7. fol. 21. b. and
many other bookes where a Leet
is called: See Smiths Com-
mon-wealth, lib. 2. cap. 21.

Leases.

Leases be graunts or demises
by one that hath any estate
in any hereditaments, of those

del autre Benefice sans quali-
fication ou notice a luy done
del resignation ou deprivation
del present Incumbent, per
que neglect title acrué al Or-
dinarie pur collater al dit les-
glise.

Lastage.

Lastage, hoc est, quierum esse
de quadam consuetudin' ex-
acta in Nundin' & Mercat' p
rebus carandis ubi home vult.

Latitat.

Latitat est un Briefe per q
touts homes en personall
actions sont originalment appels
en Bank le Roy de respondr.
Et est appel un *Latitat*, pur c'
q est suppose p le Bfe q le De-
fendant ne poit estre rove en
le Countie del Middlesex, cõe
appiert p le retourne del Vis-
count d' ceo Countie, mes q
latitat en autre Countie. Et
pur ceo al Viscount de ceo
Countie est cest Briefe direct
pur luy prendre.

Law-day.

Law-day signifie un Leet ou
tourne del Vis' cõe appiert
per lestatute 1. E. 4. ca. 2. lou le
tourne le Viscount est issint
appel, & 9. Henr. 7. fol. 21. b. &
plusors autres liis lou un Leet
est issint appel: Veies Smith de
Repub. Anglorum, lib. 2. cap. 21.

Leases.

Leases sont graunts ou de-
mises per un que ad alcun
estate en hereditaments, d' ceux
heredi-
C c 2

The Exposition of

hereditamēts al aut pur meind
temps, & c' sont en diūs man-
ners, cestascovoire, pur term d'
vie, pur tme d' ans, pur terme
d' aut via, & a volunt.

Auxy un lease d' t're é auxy
bone sans fait, come p fait.

Mes en un lease pur tme de
vie, il covient de don liue &
seisin sur le terre, ou auter-
ment riens passera p l' grant,
pur ceo que ils sont appellez
frankenements.

Auxy un lease de un Com-
mon ou rent ne poit este bone
sans fait.

Mes de un Parsonage q ad
glebe, il est bone sans fait, pur
ceo que le glebe de l' Eglise
q est l' principal, poit assers
bien passer sans fait, & issint
les dismes & offerings q sont
cōe accessorie al Eglise.

Mes dismes & offerings per
soy, ne poient este lesses sans
fait, ut dicitur.

Leet.

Let est un Court derive
hors d'l turne l' Viscount,
& inquire des routs offences
south le degree de hault trea-
son q x sont cōmises encounf
le corone & dignitie le Roy.
Mes ceux offences queux sont
punies per perde de vie ou
member, sont solement inqui-
rables la, & destre certifies
ouster as Justices del Assise.
Veies Stat. 1. E. 3. ca. 17.

Legacie.

Legacie (*Legatum*) est un tme
del civil ley, & est ceo que

hereditaments to another by
lesser time, and they be in
manners, viz. for term of life,
for term of years, for term of
another's life, and at will.

Also a lease of land is as good
without deed as with deed.

But in a lease for term of
life, it behobeth to give livery
and seisin upon the land, or else
nothing shall passe by the grant
because that they be called free-
holds.

Also a lease of a Common
or rent may not be good with-
out deed.

But of a Parsonage that hath
glebe, it is good without deed, for
that the glebe of the Church
which is the principal, may well
enough passe without deed, and
so the dismes & offerings which
be as accessory to the Church.

But dismes and offerings by
himself may not be let without
deed, as it is said.

Leet.

Let is a Court derived out
of the Sheriff's turne,
and inquireth of all offences
under the degree of high trea-
son that are committed against
the crowne and dignity of the
King. But those offences which
are to be punished with loss of
life or member, are onely inqui-
rable there, and to be certified
over to the Justices of Assise.
See Stat. 1. E. 3. cap. 17.

Legacie.

Legacie (*Legatū*) is a terme of
the civil law, & it is that which

our Law call a *Deuise*, lands or goods given unto man by the will or testamēt of another. See more tit. *Deuise* before.

nous en nostre Ley appellom^s un *Deuise*, viz. fies ou bien^s done al asc^r p le volunt ou testamēt dun auf. Veies plus tit. *Deuise* devant.

Lessor or Lessee.

Lessor & Lessee.

Lessor is he that letteth lands or tenements to another for a terme of life, yerres, or at will: he to whom the lease is made, is called *Lessee*.

Lessor est celuy que lessa terres ou tenements al auf pur terme de vie, ans, ou a volunt: Et celuy a que le lease est fait, est appel *Lessee*.

Levant and Couchant.

Levant & Couchant.

Levant and Couchant is said when the beasts or cattell of a stranger are come into another mans ground, and there remained a certaine good space of time.

Levant & Couchant est dit quant les beasts ou cattell d'un estranger sont venue en le terre d'un autre home, & la ont remaine un certaine bone space de temps.

Leuari facias.

Leuari facias.

Leuari facias is a Writ directed to the Sheriffe for the levy of a summe of money upon the lands, tenements, and chattels of him that hath forfeited a Recognisance. See *Fitz. N.B.* fol. 265. D.

Leuari facias est un Bfe direct al Viscount pur le levier dun sum des deniers sur les terres, tenements, & chattels cestuy que ad forfeit un Recognisance. Veies *Fitz. N.B.* fol. 265. D.

Law.

Ley.

Law is when an action of debt is brought against one upon some secret agreement or contract had betwene the parties without especialty shewed, in any matter of record, as in action of *Detinue* for some goods or cattels lent or left with the Defendant, then the Defendant may swage his Law, if he will, that is to say, to sware upon a booke, and certaine persons with him, that he detaineth

Ley est quant action de det est port vers un sur ascun secret agreement ou contract ew percenter les parties sauns especialtie monstre, au autre matter de record, come en un action de *Detinue* pur ascuns biens ou chattels accomoda ou relinq ove le Defendaunt, donqs le Defendant poit gager son Ley, sil voile, cestaf-cavoire, de jurer sur un lieur, & certaine psons ove luy, que

The Exposition of

il ne deteine les biens, ou doit riens al Plainf, en manner & forme come il ad declare.

Et cest allowe solement en cases de secrecie, ou le Plain-tise ne poit prover le surmise de son suit per ascun fait, ou overt action le defendaunt poit ceo discharge secretment perenter eux, sans ascu escript de acquittance ou publiq act. Et pur ceo en action de dette sur un lease pur terme de ans, ou sur arrerages de accompt devant Auditors assigni, home ne gagera son Ley.

Mes quant un gagera son Ley, il amefnera ovesq luy 6. 8. ou 12. de ses vicines, come le Court luy assignera, de jurer ovesque luy, mault semble al serement que ceux fesoient que sont uses en le civil Ley, de purger auters de asc' crime al eux impute, que sont appel compurgators.

Nota que l' offer de faire le serement est appel le gager del Ley, & quant il est accomplish, donques est appel le fessans del Ley.

Et auxy si le Viscount en ascun action retourne que il eit summon le Defendant d' appare en Court a ascun jour a respond le Plaintife, a quel jour il fait default, Proccesse ferra agard vers luy de vener & save, ou excuse son dfault: que est a tant adires, come a purgare moram, ou autrement de pder le chose demaund: Et donques le Defendaunt vient & voit jure que il ne

not the goods or owerth nothing to the Plaintife, in manner & forme as he hath declared.

And it is allowed only in cases of secrecy, where the Plaintife cannot prove the surmise of his suit by any deed or open act for the Defendant might discharge it privately between themselves without any writing of acquittance or publique act. And therefore in an action of debt upon lease for terme of years, or upon arrerages of accompt before Auditors assigned, a man may not wage his Law.

But when one shall wage his Law, he shall bring with him six. or xij. of his neighbours as the Court shall assign him to swear with him, much like unto the oath which they make which are used in the civil Law, to purge others of any crime laid against them, which are called compurgators.

Note that the offer to make the oath is called wage of Law, and when it is accomplished, then is it called the doing of your Law.

And also if the Sheriff in any action returns that he hath summoned the Defendant to appear in Court at any day to answer the Plaintife, at which day he maketh default, Proccesse shall be awarded against him to come and save, or excuse his default: which is as much to say, as to excuse the delay, or otherwise to lose the thing demanded: and then the Defendant cometh, and will swear that he

not summoned. Which is
the saying of Law, then he
is to doe it at the day as-
signed with others: And in
any of his Law, he ought up-
on his oath to affirm directly the
contrary of that which is im-
puted to him: But the others
cannot say but that they think
he saith the truth.

Libell.

Libell (Libellus) is a terme
of the civil Law, and signi-
fies with them the originall
petition in any action, and so
is used in the Statutes of
2. H. 5. cap. 3. & 2. E. 6. ca. 13. And
an infamous libel signifies pro-
mises in our Law a scandalous
report of any man unlawfully
published in writing. See of
Cok. lib. 5. fol. 125. a.

Liberate.

Liberate is a warrant issuing
out of the Chancery to the
Treasurer, Chamberlains, and
Barons of the Exchequer, or
Clerks of the Hamper, &c. for
the payment of any yearly pen-
sion or other summe granted
under the great Seale, Regist.
Orig. 193. Sometimes to the
Sheriffe, &c. Fitz. N. B. fol. 132.
In the delivry of lands or
goods taken upon forfeiture of
a Recognizance, F. N. B. 131.
132. Cok. lib. 4. Fulwoods case,
fol. 64. 66. 67. It is also to a
Gaoler from the Justices for the
delivry of a prisoner that hath
put in baile for his appearance.

fuit summon, que est appel
gager de Ley, donques il
doit ceo faire al jour assigne
ove xii. auters: Et en faisant
del Ley il doit sur son se-
rement affirmer directment
al contrarie de ceo que est
impute a luy, mes les auters
ne dirra, mes que eux en-
tende que il dit le veritie.

Libel.

Libel (Libellus) est un sme
del civil Lee, & ove eux
signifie l' original declarati-
on en aucun action, & ilsint
est use en lestatutes 2. Hen. 5.
cap. 3. & 2. E. 6. cap. 13. Et fa-
mosus libellus signifie ppmt
en nostre Ley un scandalo^s re-
port d' l' asc' home illoyalment
publye en escript. Veies d' ceo
Cok. lib. 5. fol. 125. a.

Liberate.

Liberate est un Garrant is-
suant hors del Chancerie
al Treasurer, Chamberlaines,
& Barons del Eschequer, ou
Clerke del Hamper, &c. pur le
payment d' aucun annual pen-
sion ou auter summe grauntus
sout le grand Seale, Regist.
Orig. 193. Ou aucun foits al
Viscount, &c. F. N. B. fol. 132.
pur le delivrie d' terres ou bi-
ens prise sur forfeiture d' un
Recognizance, Fitz. N. B. 131.
132. Cok. lib. 4. Fulwoods case,
fol. 64. 66. 67. Il est auxy a un
Gaoler del Justices pur le de-
liverie d' un prisoner q' admitta
eins baile pur son appearance.

The Exposition of

Libertate probanda.

Libertate probanda, vidē de
ceco en le title de *Natvo*
habendo.

Ligeance.

Ligeance est un voif & loy-
al obediēce d' subject due
a son Souveraigne; & cest lige-
ance, que est un incident inse-
parable a chesc' subject est en
quaf manners: le premier est
natural, le second acquirus, le
tierce local, & le quart legal:
De tous dux vous poies lier
mult bone erudition en *Coke*,
lib. 7. Calvins case.

Limitation.

Limitation est un assignment
d' space ou temps, deins
quel cesty q' voil' suer p' ascuns
terres ou hereditamēts, doit p-
ver que il ou son auncestour
fuit seifse del chose demaund,
ou autrement ne maintiendra
son suit ou action, quel as-
signments sont faits per di-
vers Statutes, d' arreinement p'
32. *H. 8. cap. 2.*

Liverie de seifsn.

Liverie de seifsn est un ce-
remonie use en convey-
ance de terres ou tenements,
lou un estatte en fee simple, fee
taile, ou un franktenement pas-
sera: Et il est un testimoigne
de le voluntary departing per
luy q' fait le liverie del chose
de que le liverie est fait: Et le
receit del liverie est un vo-
luntarie acceptance per l' au-

Libertate probanda.

Libertate probanda, vide
that in the title of *Nat*
habendo.

Ligeance.

Ligeance is a true & faithful
obediēce of the subject
to his Souveraigne; and this
ligeance, which is an incident in-
separable to every subject is in
four manners: the first is na-
tural, the second acquirus, the
third local, and the fourth legal:
Of all which you may read
much excellent learning in *Coke*
lib. 7. Calvins case.

Limitation.

Limitation is an assignment
of a space of time, within
which he that will sue for any
lands or hereditaments, ought
to prove, that he or his ancestor
was seised of the thing deman-
ded, or otherwise he shall not
maintaine his suit or action.
Which assignments be made by
divers Statutes, whereof the
last was Anno 32. Hen. 8. cap. 1.

Livery of seifsn.

Livery of seifsn, is a ceremony
used in conveyance of lands
or tenements, where an estate
in fee simple, fee taile, or a free-
hold shall passe: And it is a tes-
timoniall of the willing depart-
ing by him who makes the li-
very from the thing whereof li-
very is made: And the receiving
of the livery is a willing accep-
tance by the other party of all
that

whereof the other hath dis-
missed himselfe: And was in-
vented as an open and notori-
ous thing, by meanes wherof
the common people might have
knowledge of the passing or al-
teration of estates from man to
man, that thereby they might be
the better able to try in whom
the right and possession of lands
and tenements were, if they
might be inpannelled in Ju-
res, or otherwise have to doe
concerning the same.

The common manner of de-
livering of seisin is after this
manner: If it be in the open
place where is no building or
house, then one that can reade
the writing in his hand,
the estate shall passe by deed,
he declareth to the standers
the cause of their meeting
together, &c: and then o-
verly readeth the deed, or de-
clareth the effect thereof in En-
glish, and after that is sealed,
the party who is to depart
from the ground, taketh the
land in his hands together
with a clod of the earth, and
a twigge or bough, if any be
there, and all this he delivereth
to the other party in the name
of possession or seisin, according
to the forme and effect of the
deed, which befoze them was
read or declared. But if
there be a dwelling house or buil-
ding upon the land, then this is
done there at the doore of the
house, none being left at that time
within the house, and the party
delivereth all the aforesaid, to-

ter partie, de tout ceo de que
aurer ad luy dismise: Et fuit
invent come un overt & no-
torious chose, per meanes de
que le common people poyent
aure intellige de passing ou
alteration de estates de hōe al
home, que per ceo ils poyent
estre le meliour able pur trier
en que le droit & possession
de t̄res & tenem̄ts fueront, ils
doient estre empanel en Jures,
ou autrement ont a faire con-
cernant ceo.

Le common manner de li-
verie de seisin est en cest sort
fait: Si il soit en l' overt
champe ou ne sont edifices,
ou meason, donques un que
poit lye, prist le fait en son
maine, si l'estate passera per
fait, & declara al eux que
la sont, le cause de leur vener
la ensemble, & donques o-
vertment lye le fait, ou declare
l'effect de ceo en Anglois, &
apres que il est seale, le par-
tie que est a departer ove le
terre, prist le fait en sa maines
ensemble ovesque un clod
del terre, & un twigge ou
bough, sil y ad aucun la,
& tout ceo il deliver al au-
ter partie en le nosme de pos-
session ou seisin, accordaunt
al forme & effect del fait,
que devant eux suit la lye
ou declare. Mes sil soit un
habitation ou edifice sur le
terre, donques ceo est fait la
a doore de ceo, nul esteaunt
relinquish a cest temps deins
le meason, & le partie de-
liver tout les avantdits, en-
semble

The Exposition of

semble ovesque l'annuel de le doore en nosme de seisin ou possession, & il que receiva le liverie entra primes solé, & shutta le doore, & presentement overt ceo, & lessa eux eins, &c. si soit de un meason a que est nul terre, le liverie est fait, & possession prise per le deliverie del annuel de le doore, & fait solement. Et lou il est sans fait de terres ou tenements, la le partie declare per parol devant tesmoins, l'estate ovesque il entende de departir, & donques deliver seisin ou possession, en manner come est avantdit; Et issint le terre ou tenement passera cybien lou il nad fait, come p fait, & ceo per force de deliverie de seisin: Il fuit agree en Graies Inne per le droit Worshipful Master Snagge, al son Lecture la en Summer, Anno 1574. Que si un feoffor deliver la fait en view del terre, en nosme de seisin, que il est bone, pur ceo que il ad un possession en luy mesme. Mes auterment est d'un Astorney, car il doit aller al terre, & prise possession luy mesme, d'avant que il poit doner possession al auter, accordaunt al parols de son Garrant, &c. Et lou liverie de seisin est per le view, si le feoffee ne entra pas puis, &c. nul chose passa, car il doit enter en fait.

gether with the ring of the in the name of seisin or possession and he that receiveth the same entreat in first alone, & then to the doore, & presently open it again and letteth them in. If it bee a house where there is no land or ground, the liverie is made, and possession taken by the delivery of the ring at the doore, and deed once. Where it is without deed, whether of lands or tenements there the party declareth by sword of mouth before witnesses the estate that he meaneth to depart with, and then delivereth seisin or possession, in manner as is aforesaid: And the land or tenement doth pass as well where there is an deed as by deed, and that by force of the libery of seisin: It was agreed in Graies Inne by the right worshipful Master Snagge, at his Reading in Summer: Anno 1574. That if a feoffor deliver the deed in view of the land, in name of seisin, that is good, because he hath a possession in himself. But otherwise it is of an Astorney, for he must goe to the land, and take possession himself before that he can give possession to another, according to the sword of his warrant, &c. And where libery of seisin is by view, if the feoffee doe not enter after, &c. nothing passeth, he ought to enter in deed.

Lollards.

Lollards.

Lollards were Dogmatists in Religion in the times of E. 3. which as those times they then reputed Here= as appears by the Sta= 5.R.2.c.5. & 2.H.5.ca.7. Statutes you shall find in 1.E.6. cap. 12. & 1.El. And these Lollards had their name (as some think) from Gualter Lolhard a Ger= man, who lived about the yere 1315. and was the first author of this sect.

Lollards fuerunt Dogma= tists e Religion e le temps E.3. & H.5. & cõe l' Religion d' ceux iours fuit fueront re= pures Heretiqs, cõe appiert par lestat. en 5. R.2. ca.5. & 2.H.5. ca.7. queux Stat. vous troveres repeales en 1.E.6. cap. 12. & 1. El. ca. 1. Et ceux Lollards avoy= ent leur denomination (come ascũs pensoient d' l' un *Gualter Lolhard* un Germanois, qui vixit circa an. Dom. 1315. & fuit l' prisi author d' cest sect.

Lotharwit.

Lotharwis.

Lotharwit, that is, that you may take amends of him which doth defile your bond= man without your licence.

Lotharwis, hoc est, quod ca= piatis emendas ab ipso qui corrumpit vestram nativam si= ne licentia vestra.

Lushburgh.

Lushborow.

Lushburgh was a counter= feit coine in the time of E. 3. it was made beyond the seas in the shire of English montes, and brought in to deceive the king and his subjects. And therefore it is declared to be false by the Stat. of 25. E. 3. ca. 2. for any man to bring into the Realme knowing it to be false.

Lushborow fuit un counter= feit coine en le temps E. 3. que fuit fait ouster le mere en similitud' d' deniers Anglois, & port eĩns pur deceiver le Roy & ses subiects. Et pur ceo est declare destrs treason per lestatute 25. E. 3. stat. 5. cap. 2. pur ascun home de ceo porter deĩns le Realme sil scavoit que est faux.

M.

M.

Maimim or Maimie.

Maibim ou Maimie.

Maimim is whers by the wrongfull act of ano= ther, any member is

Maimim est lou p' l' cor= rous act d' aut, ascun member est dampnific

ou

ou rolle, per que le partie if-
fint dampnie est fait imper-
fect a combatte : Come si un
osse soit prise hors d'l test: Ou
un osse soit d' bruisse é asc' auf
part del corps, ou un pee, ou
maine, ou digit, ou joynt d'an
pee, ou asc' member soit sey :
ou p' asc' plage les nerves sont
fait d' shrinker, ou auf mem-
ber, ou les digits fait curve, ou
si un oyle soit mise hors, ou les
anterior dents d' bruisse, ou asc'
auf chose en l' corps d'un hōe,
p' reason d' quel il est fait le
meines able pur defender luy
mesme, ou offend' son enemy.

Mes le scire d' un orial ou
nase, ou lenfrieder del dents
moliers, ou iels semblables,
nest asc' Maihem, pur ceo q' il
est pluis un deformitie de le
corps, q' un defect d'l strength,
& ceo est communement try p'
l' inspection del partie per les
Justices. Et si les Justices sont
en doubt si le damage soit un
Maihem, ou nemy, ils use, &
voient de leur grand discre-
tion prendr' l' ayde & opinion
de aucun credite Surgeon, pur
consider de ceo devant que ils
determine sur le case.

Mainprise.

Mainprise est quaut un hōe
est arrest' p' *Capias*, donq'
les Judges poyent deliver son
corps a certain hōes pur guar-
der, & de luy amesner devant
eux a certain jour, & eux sont
appelles mainpernors, & si le
partie ne appear al jour assigne
l' mainpernors serrōt amercie.

hurt or taken away, where
the party so hurt is made im-
perfect to fight: As the head
be taken out of the head: Or
a bone be broken in any
part of the body, or foot, or
finger, or joynt of a foot,
or any member be cut: Or by
wound the sinewes be made
shinke, or other member, or
fingers made crooked, or if
eye be put out, or the face
broken, or any other thing
in a mans body, by means
whereof he is made the less
able to defend himselfe, or offend
his enemy.

But the cutting off of an eye,
or nose, or breaking of the
under teath, or such like, is no
Maihem, because it is rather a
deformity of body than dimi-
shing of strength, and the
commonly tried by beholding the
party by the Justices. And if
the Justices stand in doubt
whether the hurt be a Maihem
or not, they use and will of their
owne discretion take the advice
and opinion of some skilful
Chirurgion to consider thereof
before they determine upon the
cause.

Mainprise.

Mainprise is when a man is
arrested by *Capias*, then the
Judge may deliver his body to
certain men for to keep, and
bring him before him at a certain
day, & these be called Mainper-
nors, & if the party appears not
at the day assigned, the mainper-
nors shal be amerced.

M. nort.

Mannour.

Mannor.

Mannour is a thing com=
posed of divers things,
a house, land arable, pa=
sture, meadow, wood, rent, ad=
vowson, Court Baron, and
the like, which make a Man=
nour. And this ought to be by
continuance of time, to the
whereof mans memo=
ry cannot discern: for at this
Mannour cannot be
because a Court Baron
not now be made, and a
Mannour cannot be without
Court Baron, and suiters
holders, two at the least,
if all the freeholds except
one be taken to the Lord, or if he
take all except one, there
Mannour is gone, for that
cannot be a Mannour with=
out Court Baron (as is a=
said.) And a Court Ba=
ron cannot be holden but be=
tween suiters, and not before one
suer, and therefore where
there is one freehold or freeholder
there cannot be a Man=
nour properly, although in com=
mon speech it may be called a
Mannour.

Mannor est un chose com=
pound d' divers choses, cõe
de un meason, t're exrable, pa=
sture, pree, boys, rent, advow=
son, Court Baron, & tiels sem=
blables, & x sont un Mannor.
Et ceo doit este p' antient con=
tinuance d' temps, ejus con=
trarium memoria hominum
non existat: car a ceo jour un
Mannor ne poit este fait, pur
ceo q' un Court Baron ne poit
este fait ore, & un mannor ne
poit este sans un Court Baron,
& suiters ou franktenants,
deux al meins, car si tous les
frankenements forsque un es=
cheate al Seignieur, ou fil pur=
chase tous preter un, la son
manner est ale, pur ceo que il
ne poit estre un mannor sans
un Court Baron (come avant=
dit.) Et un Court Baron ne
poit este tenu mes devaunt
suiters, & nemy devaunt un
suer, & ideo lou forsque un
frankenement ou frankte=
nant est, la ne poit este man=
nor properment, coment en
common parlant ceo poit est
appel un mannor.

Mandamus.

Mandamus.

Mandamus is a writ that
goes to the Escheator for
the finding of an office after the
death of one that died the Kings
Seint, & it is all one with the
Writ of *Diem clausit extremum*,
but that the *Diem clausit extre=
mum* goes out within the year
after the death, and the *Manda=
mus*

Mandamus est un Briefe
que issist al Escheator p'
le trover dun office apres le
mort dun q' morust Tenant le
Roy, & est tant un ove le
Briefe de *Diem clausit extre=
mum*, sinon q' le Bise de *Diem
clausit extremum*, issist deins
l' an apres le mort, & le *Manda=
mus*

The Exposition of

damus ne issuit tanque apres l'an, & en case lou ne fuit ascun Diem clausit extremum sue hors, ou al meins nient sue outa effectu. Et veies de eco Fitz. N.B. fol. 153. B.C.

Mansion.

Mansion (*Mansio*) est en nostre Ley plus usualmēt prise pur le chiefe messuage ou habitation del Seignior dun Mannor, le meale del Mannor en que il plustost remaine & continue capitale messuagium, come est appell: de que le feme per lestatute de *Mag. Chart. cap. 7.* avera sa Quarentine.

Manucapcio.

Manucapcio est un Briefe q̄ gist pur cestuy que est arrest ou indite de felonie, & offer sufficient sureties pur son appearance, mes le Viscount, ou cestuy que concerne, ne voit luy admit destre baile, donque il avera cest Briefe eux mandant de luy lesser a mainprise. Et veies de eco *Fitz. N.B. fo. 249. G.*

Manumission:

Manumission est le felans dun que est villein destre franke, & puit estre en deux sorts, le un est un Manumission explicita, lauter un manumission implicita.

Manumission explicita est quaut le Seignior fait un fait al son Villeine pur luy enfranchiser per cest parel (*Manumittere*) quod idem est

mus goes not out till after the year, and in case where there was never any Diem clausit extremum sued out, or was sued out with effect. And in this *Fitz. N.B. fol. 153. B.C.*

Mansion.

Mansion (*Mansio*) is in law most cōmonly taken to be the chief messuage or habitation of the Lord of a Mannor, the Mannor house where he doth most remain or continue his capitall messuage, as it is called. Of which the wife by the statute of *Mag. Chart. cap. 7.* shall have her Quarentine.

Manucapcio.

Manucapcio is a writ that lyes for him that is arrested or indicted of felony, and offers sufficient sureties to his appearance. But the Sheriff, or he whom it concerns, will not suffer him to be bailed, till he shall have this writto command them to let him to be bailed. And see of this *Fitz. N.B. fol. 249. G.*

Manumission.

Manumission is the making of a bondman to be a freeman, and may be in two sorts, the one is Manumission expressed, the other a Manumission implied or secret.

Manumission expressed is where the Lord maketh a bond to his villeine to enfranchise him by this word (*Manumittere*) which is as much to say, as

it one goe out of another
hands of owner.

The manner of Manumit-
ting or enfranchising in old
times most usually was thus:
The Lord (in presence of his
neighbours) took the bond-
man by the head, saying, I
will that this man be free, and
worthily shod him for-
ward out of his hand, and
thence he was free without
more shod.

Manumission implied with-
out this word (Manumittere)
when the Lord maketh an
obligation to his villeine to
pay him money at a certaine
day, or maketh him where hee
might enter without suit, or
maketh unto his villeine an
advowson, or leaseth land to him
for years, or for life, and
in such like cases, the vil-
leine thereby is made free.

Marches.

Marches be the bounds and
limits betwixt us and
other of Scotland, so called
either from the Germane word
(Murch) which signifies a fron-
tier or border, or else from the
French word (Marq;) that is to
say a signe or token of distinc-
tion, these being the notorious
divisions of two divers coun-
tries. Of these you shall reade
in the Stat. of 4.H. 5. c. 7. 22.E. 4.
c. 24. H. 3. c. 9. and others.

Marchers.

Marchers are the noble men
dwelling on the Marches

quod extra manum, vel extra
potestatem alterius poner.

Le manner de manumit-
ting ou enfranchising en
temps passé plus usualment
fuit issint: Le Seignieur (en
presence de ses vicines) prist
le villeine per le test disant,
Ieo vollè que cest home soit
franke, & ove ceo il luy mise
avaunt hors de ses maines, &
pur ceo il fuit franke sauns a-
scun plus faire.

Manumission implicita sans
cest parol (Manumittere) est
quant le Seignieur fait un ob-
ligation a son villeine a payer
a luy money al un certaine
jour, ou luy sue lou il poit en-
ter sans suit, ou grant al son
villein un annuïtie, ou lessa
terre a luy per fait pur ans,
ou pur vie, & en divers tiels
semblables cases, le villeine
per ceo est fait franke.

Marches.

Marches sont les limits en-
ter nous & Gales, ou Es-
cose, issint appels ou del parol
Germanois (March) que signi-
fie Limitem, ou del parol
Francois (Marq;) cest asca-
voire, un signe del distincti-
on, ceux eunts le notori-
ous distinctions de deux di-
vers regions. De ceux poies
lier en lestatutes de 4.Hen. 5.
cap. 7. 22. E. 4. cap. 8. 24. H. 8.
cap. 9. & auters.

Marchers.

Marchers sont les noble
homes inhabitants sur les
Marches

The Exposition of

Marches de Gales & Escose, q̄ en temps devant avoyent leur private leyes, sicome fuissent Royes, & par ceo en lestatutes de 2.H.4. cap.18. 26.H.8. ca.6. 27.H.8. ca.26. & 1.E.6. c.10. ils s̄c appells Seigniors Marchers.

Marshall.

Marshal est un generall parol pur mults Officers en Anglefre, cōc le S̄r ou Count Marshal, de q̄ mention est fait en lestatutes de 13. R.2. ca. 7. & 1.H.4. ca.7. & 14. Le Marshall del hostel le Roy. De que poies lier en *Fitzh. N. B. fol. 241. B.* & en lestat. de *Artic. super Chart. ca.3. 18.E.3. ca.2. 2.H.4. c.23. 15.H.6. c.1. & auſs.* Sont auxy auters inferiour Marshalls mentions en nostre livres, comc le marshall de Banke le Roy en lestatute 5.E.3. ca.8. & en *Fitzh. N. B. fol. 251. I.* que avoit le custodie des tous les prisoners de ceo Court. Et le marshal d̄l Exchequer mention en lestatute de 11.H.3. stat.5. appel le Statute del Escchequer. Et par le signification del parol Marshall est un parol Francois, & est tant adire come Magister equitum: car semble q̄ venust de parol Germanois (*Marschalk*) q̄ ad ceo signification.

Marshalsea.

Marshalsea est le Court ou Seat del marshal del hostel le Roy, de que poies lier alarge en *Col. lib. 6. fo. 20. B. & lib. 10. fo. 68. B.* Est auxy

of aiales of Scotland, in times past had their lawes, as if they had bin Royes, and therefore in the Statutes of 2.H.4. cap.18. 26.H.8. cap.27.H.8. cap.26. and 1.E.6. ca.10. they are called lordes Marchers.

Marshall.

Marshall is a generall parol for many Officers in England, as the Lord of the Marshall, of whom mention is made in the Statutes of 13.R.2. cap.2. and 1.H.4. cap.7. and 14. The Marshall of the Kings Bench. Of whom you may reade *Fitzh. N. B. fol. 241. B.* & in the Stat. of *Artic. sup. Chart. c.3. 18.E.3. ca.2. 2.H.4. c.23. 15.H.6. c.1. & auſs.* There are also other inferiour Marshalls mentioned in our bookes, as the Marshall of the Kings Bench in the Statute of 5.E.3. cap.8. and *Fitzh. N. B. fol. 251. I.* who hath the custodie of all the prisoners of that Court. And the Marshall of the Exchequer mentioned in the Stat. of 11.H.3. stat.5. called the Stat. of the Exchequer. For the signification of the word Marshall it is a French word, it is as much to say as Magister of the horse: for it seems to come of the Germane word (*Marschalk*) which hath that signification.

Marshalsea.

Marshalsea is the Court or Seat of the Marshall of the Kings house, of which you may reade at large in *Col. lib. 6. fo. 20. B. & 10. fo. 68. B.* It is also called the

prison belonging to the court
Kings Bench, of which
Marshall of that Court is
keeper: for so are the formes
Bills there, that A. com-
mitte of B. in the custody of
Marshall of the Marshalsea
in Lord the King, &c.

Maugre.

Maugre is a word compounded
of two French words (*Mal*)
(*Gree*) so that it is as much
to say, with an unwilling
heart, or in despite of another.
It is used in Littleton,
lib. 1. where it is said that
husband and wife shall be
bound *Maugre* the husband,
that is to say, in despite of the
husband, or against the will of
the husband, or with the dis-
like of the husband.

Maximes.

Maximes be the foundations
of the Law, and the conclu-
sions of reason, and are causes
of law and certaine universal
propositions so sure and perfect,
that they may not be at any time
doubted or impugned, but
are always to be observed,
when as strong principles
and authorities of themselves
show they cannot be proved
by force of argument or demon-
stration logical, but are known
by intuition by the way of sense
or memory: As for example, it
is a maxime, that if a man have
two sons by divers wo-
men, and the one of them pur-
chase lands, in fee, and birth

prise pur le prison preinant al
Court del Banke le Roy, de q
le Marshal de ceo Court est
le gardian: car issint sont les
formes des Bills la, que A.
queritur de B. in custodia Ma-
riscalli Mariscalcie Domini
Regis, &c.

Maugre.

Maugre est un parol com-
pound des deux parols
Francois (*Mal*) & (*Gree*) il-
lunt q est tant adire cœ invito
animo, ou en despite dun
auter. Et issint est use en
Littleton, sect. 671. lou est dit,
que le baron & feme seront
remitis *Maugre* le baron,
cest a scavoire, en despite le
baron, ou encounter le vo-
lunt le baron, ou ovele male
gree le baron.

Maximes.

Maximes sont les foundati-
ons del Ley, & les conclu-
sions de reason, & sont causes
efficientes, & certaine universal
propositions, cy sure & pfect,
que ils ne point este a aucun
temps impeach ou impugne,
mes doient tous foits este
observe, & tenus cœ fort prin-
ciples & authorities de luy
mesmes, nient obstant ils ne
poient este prove p force d'ar-
gument ou demonstration logi-
cal, mes sont connus p induc-
tion p le voy d sense & memo-
rie: Cœ pur exemple, il est un
Maxime, q si un hom ad issue
d'ux frs, p diús vents, & le un
de eux purchase tres in fee, &

The Exposition of

morust sans issue, laue fits ne unques serra son heire, &c.

Item il est un aut Maxime, que terres descendra del pere al fits, mes nemy del fits al pere, car ceo est un ascension, &c. Et divers tielx semblables il y ad, dont veies plus en le *Doctor & Student*.

Maynour.

Maynour est qnt un laron ad emblee, & est pursue ove Huy & Crie & prise, ayant ceo trove ovesq luy que il ad emblee, ceo est appell le Maynor. Et issint nous communement use par dire, quant nous trovamus un fesanx de un illoyal act, que nous luy prist ovesq le maynour au manner.

Maintenance.

Maintenance est lou ascu hōe done ou d'livrer a un ane que est Plaintife ou Defendant en asc' action, asc' somme d'argent, ou auter chose pur maintenir son plee, ou fait extreme labor pur luy quant il nad riens a ceo faire, donques laue partie greeve avera vers luy un Briefe appelle Briefe d Maintenance.

Mease.

Mease (*Messuagium*) semble d' vener del pol Francois *Maison* ou *Mansion*, que nesti ut forsq un lieu d' abider ou habitation. Et uncore mesuage en nostre Ley comprehend plus que le very lieu del habitation, car *Domus* &

without issue, the other brother shall never be his heire, &c.

Also it is another Maxim, that lands shall descend from the father to the son, but not from the son to the father, for that is an ascension, &c. And thus such there be, whereof I have in the *Doctor and Student*.

Maynour.

Maynour is when a thief hath stolne, and is followed with Hue and Cry and taken, having that found him which he stole, that is called *Maynour*. And so we commonly use to say, when we see one doing of an unchristianlike act that we took him with the maynour of manner.

Maintenance.

Maintenance is when a man giveth or delivereth to another that is plaintiff or defendant in any action, any sum of money or other thing to maintain his plea, or extremeth extreme labour for him when he hath nothing to do to doe, then the party against him shall have against him a writ called a writ of *Maintenance*.

Mease.

Mease or *Messuage* seemeth to come from the French word *Maison* or *Mansion*, which is no other but a place of dwelling or habitation. And *Messuage* in our Law containeth more than the very place of habitation, for it sheweth

Messuage differ in that a
house cannot be intended other
in the matter of Building,
mes messuage shall be said all
in mansion place, and the cur-
telage shall be taken as parcell
of the messuage, 20. H.7. Kelo-
way fol. 57. a. and by the name of
messuage the garden and cur-
telage shall passe, Plowden,
fol. 171. a.

Medietas linguz.

Medietas linguz is an In-
quest empannelled upon a
cause, wherof the one halfe
is of Denizens, and the other
of strangers, and it is used
between parties, wher-
of one is a Denizen, and the
other a stranger, and this man-
ner of tryall was first given by
the Statute of 27. E. 3. Stat. 2.
and by the Statute of 28.
cap. 13. it was granted in
cases where the King himselfe
was party with an alien.

Melius inquirendo.

Melius inquirendo is a writ
that is directed unto the Escheator
for a second inquiry to
be made when there is any
doubt made of partiality in an
inquiry made upon a diem clau-
sum after the death of
a Tenant. See Fitz.
fol. 255. C.

Merchenlage.

Merchenlage is one of those
three lawes, out of which
the Conqueror framed
the Common Lawes with

Messuagium differ en ceo que
domus ne poit estre intend auē
que les choses en building,
mes messuagium serra dit tout
le mansion lieu. & le curtelage
serra prise come parcell dun
messuage, 20. Hen. 7. Keloway
fol. 57 a. & per le nosme dun
messuage le garden & le
curtelage passera, Plowden
fol. 171. a.

Medietas lingue.

Medietas lingue est un In-
quest empanel sur ascun
cause, de que lun moitie est d's
Denizens, & l'autre moitie d's
aliens, & est use en pleas en-
ter parties, dont lun est un
Denizen, & l'autre un alien,
& cest manner de tryal fuit
primes done per lestatute de
27. E. 3. Stat. 2. cap. 8. & per
lestatute de 28. E. 3. cap. 13.
fuit graunt en cases lou le
Roy mesme fuit partie ove un
alien.

Melius inquirendo.

Melius inquirendo est un B're
que est direct al Escheator
pur un second inquisition de-
stre fait quant est ascun suspi-
tion del partialite en un in-
quisition fait sur un diem clau-
sum extremum apres le mort le
Tenant le Roy. Veies Fitz.
N.B. fol. 255. C.

Merchenlage.

Merchenlage est un de ceux
trois leyes, hors des queux
Guilherme le Conqueror frame
nostre common Ley ove le
D d 2 mixture

The Exposition of

mixture des Leyes de Normandy. Et fuit le Ley des Mercians, quant ils avoyent le regiment d'l tierce part de cest Realme.

Mesnage. Vide *Mcase* devant.

Meafondue.

Meaſondue eſt un appellati-
on donc as diſs Hospitals
en ceſt Realme, & venuſt de
Francois (*Maison de Dieu*) &
neſt plus que *Donus Dei* ou
Gods houſe en Anglois.

Mefne.

Mefne eſt lou l'owner del
terres ou tenements ceux
tener de un per certaine ſer-
vice, & il ceux tenoit de un
auter p autiels ou auter ſervi-
ces, la ceſtuy que tient les ter-
res eſt appel Tenant paravaille,
& ceſtuy de que il reigne eſt
appelle Mefne, & ceſtuy de q
le Meſire tenoit eſt appelle
Seignior Paramount. Et en
ceſt caſe ſi le Seignior Para-
mount diſtreine le tenant par
le ſervice le Mefne, que luy
doit acquite al Seignior Para-
mount, donques le Tenant
aveſ un Briefe vers le Mefne,
que eſt appel Briefe de Mefne,
& ſi il ne vient pur acquit le
Tenant, donques le meſne
perdra le ſervice le Tenant,
& ſerra ſorejudge de ſon
Seigniorie, & le Tenaunt ſer-
ra Tenaunt immediate al
chiefe Seignior, & ſerra
meſmes le ſervices & ſuits cōe
le Mefne fiſt al Seignior.

the mixing of the Lawes of
Normandy. And it was the
Law of the Mercians, when
they had the government of the
third part of this Realme.

Mefuage. Looke *Meale*
before.

Meafondue.

Meaſondue is an appella-
tion of divers Hospitals in
this Kingdome, and it comes
of the French (*Maison de Dieu*)
and is no more but Gods
house in English.

Mefne.

Mefne is where the owner
of lands or tenements hold-
eth of one by certain ſervi-
ces, and he holdeth them of ano-
ther by like or other ſervices,
then he which holdeth the land
is called Tenaunt paravaille,
and he of whom it is holden
is called Mefne, and he of whom
the Mefne holdeth, is called
chiefe Lord. And in this caſe
the Lord above diſtreineth the
Tenaunt for the ſervice of the
Mefne, which ought to
quit him to the Lord above,
then the ſervant ſhall have
a writ againſt the Mefne, which
is called a writ of Mefne,
if hee come not to acquit the
Tenaunt, then the Mefne ſhall
loſe the ſervice of the Tenaunt,
and ſhall be ſorejudge of the
Seigniorie, and the Tenaunt
ſhall be Tenaunt immediate
of the chiefe Lord, and ſhall
doe the ſame ſervice and ſuits
as the Mefne did to the Lord.

Milprie

Misprision.

Misprision is when one knoweth that another hath committed Treason or Felony, and will not discover him to the King, or to the Councell, or to any Magistrate, but conceale the same. Divers offences be called Misprision: as when a Chapleine stand on old seale of a Patent, or a new Patent of Non-residence, and this was holden to be Misprision of Treason only, and no counterfeiting of Kings Seale. So it is holden in 37. H. 8. Bro. tit. Treason in fine. but 2. H. 4. fol. 25. A. adjudged contrary, & Stamf. cor. to. 2. B. cites it so that it is Treason, & not Misprision of Treason only: and so it is at this day.

As if a man know money counterfeit, & bring the same out of Ireland hither into England, & utter it in payment, this is but Misprision of Treason, and no Treason, as it is in divers such like cases.

And in all cases of Misprision of Treason, the party offender shall forfeit his goods & chattels, and the profits of his lands for terme of his life, and shall be put in prison at the Kings pleasure.

And for Misprision of Felony or Trespasse, the offender shall be committed to Prison, and shall have found sureties or pledges for his fine, which shall

Misprision.

Misprision est quanta alicui sciet que un auter ad fait Treason ou Felonie, & il ne voyle luy discover al Roy, ou son Councell, ou a aucun Magistrate, eins conceala son offence. Divers auters offences sont appelle Misprision: si come un Chapleine ad fixe un antient seale dun Patent, a un novel Patent de Non-residence, & ceo fuit tenus de fite Misprision de Treason tantum, & nul counterfeit del Seale del Roy. Issint est tenus en 37. H. 8. Bro. tit. Treason 3. in fine, mes 2. H. 4. fo. 25. A. est adjudge contra, & Stamf. pl. cor. fo. 3. B. cite ceo issint que est Treason, & nemy Misprision de Treason solement: & issint est tenus a cest iour.

Item si un auter sciet money destre faux, & port ceo hors de Ireland en Engleterre, & utter ceo en payment, ceo est forsque Misprision de Treason, & nemy Treason, & issint est en divers tiels semblable cases.

Et en tous cases de Misprision de Treason, le partie offender forfeitera ses biens a tous iours, & les profits de ses terres pur terme de son vie, & son corps al prison, al pleasure del Roy.

Et pur Misprision de Felonie ou Trespasse, l' offender serra committ al prison, tanque il ad trove sureties ou pledges p son fine, que serra

The Exposition of

assesse per le discretion de les Justices devaunt que il soit convict.

Et nota, Que en chescun Treason ou Felonie est incluse misprison, & lou ascun ad fait Treason ou Felonie, le Roy poit causer luy destre endite & arraigne forsque de misprison solement si il voil. Vide plus d' ceo *Stamf. lib. 1. cap. 39.*

Mise.

Mise est un parol Francoys, & signifie tant come (*expensum*) en Latine, & issint est frequenter use en les entrees des Iudgments ou psonal actions, quant le Plaintiff recover, l'entree est quod *Recuperet damna sua* a tiel value, & tant *pro misis & custagiis*. La est auxy un autre acception ou signification de cest parol en le Ley. Et ceo est lou est prise pur lissue destre try p bataille ou grand Assise. Et issint est use en *Littleton, sect. 478. 482.* & divers autres, lou ioinder del mise sur le mere droit nest plus que mitor ceo en lissue, que avoit le melieux ou plus cleere droit.

Misericordia.

Misericordia est use en le common Ley pur un amercement ou peine mise sur ascun pur un offence, come lou le Plaintiff ou Defendant en ascun action est amerce, l'entree est tous foits, *Ideo in mi-*

be assessed by the discretion of the Justices before whom he was convicted.

And note. That in every Treason or Felony is included Misprison, and where any has committed Treason or Felony, the King may cause him to be indicted and arraigned but of Misprison if he will. See more hereof *Stamf. lib. 1. cap. 39.*

Mise.

Mise is a French word, and signifies as much as (*expensum*) in Latine, and is ordinarily used in the entries of Judgments in personal actions when the plaintiff recovers, the entry is that *Recuperet damna sua* to such a value, & *pro misis & custagiis*, for costs & charges so much. There is also another acception or signification of the word in the Law, and that is where it is taken for the thing to be tried by battle or grand Assise. And so it is used in *Littleton, sect. 478. 482.* and divers others, where joining of the *Mise* upon the mere right is no more but putting it in lissue, who hath the best of the rest right.

Misericordia.

Misericordia is used in the common Law for an amercement or mulct set upon any for an offence. as where the Plaintiff or Defendant in any action are amerced, the entry is alwaies, *Ideo in mi-*

And it is therefore cal-
l'd misericordia, as Fitzh. sayes,
N.B. fol. 75. H. for that it should
be small and lesse than the
fine. And saving to his conte-
ment, as the Statute of Mag.
Chart. cap. 14. speakes. And
if a man be outrage-
ously amerced in a Court that
is of record, as in a Court
Baron, &c. there is a writ cal-
l'd Moderata misericordia to
be writt to the Lord or his
Bailie, commanding them that
they take moderate amercia-
ments according to the quan-
tity of the fault. And of that
Fitzh. N.B. fol. 75. A. and Mo-
derata misericordia after.

Mittimus.

Mittimus is a writ by which
Prisons are transferred
from one Court to another,
writtes immediately, as it ap-
pears in the Statute of 5. R. 2.
cap. 15. as out of the Kings
Chancery into the Exchequer, And
writtes by a Certiorari into
the Chancery, and from thence
into Mittimus into another
Court, as you may see in 28. H. 8.
fo. 29. a. b. & 29. H. 8. Dyer,
fo. 32. a. b. This word is also u-
sed in the precept that is dire-
cted by a Justice of peace to a
Gaoler for the receiving & safe-
keeping of a Felon, or other Offen-
der committed by the said
Justice to the Gaole.

sericordia, &c. Et est pur ceo
appel misericordia, cōc Fitzh.
dit, N.B. fol. 75. H. eo que doit
estre forsque petite & meins
que l' offence. Et salvo con-
tenemento come lestatute de
Mag. Chart. cap. 14. paile. Et
pur ceo si home soit outragi-
ousment amercee en un Court
que nest de record, come en
Court Baron, &c. la est un
Brieve appel un Moderata mi-
sericordia, destre direct al Sñr
ou Bailly, eux commandant q̄
ils prenderont moderates a-
merciements solonq̄ le quan-
titie d'l trespass. Et de ceo veies
Fitzh. N.B. fol. 75. A. & Moderata
Misericordia apres.

Mittimus.

Mittimus est un Brieve per
lequel records sont transfere
del un Court al autre, ascun
foits immediatē, cōc appi-
ert en lestat. 5. R. 2. cap. 15.
come hors del Bancke le Roy
en le Exchequer. Et ascun foys
p un Certiorari en le Chaun-
cerie, & dillonq̄ p un mit-
timus en autre Court, come
poies veier en 28. H. 8. Dyer,
fo. 29. a. b. & 29. H. 8. Dyer, fo.
32. a. b. Cest pirol est auxy
use pur le precept que est di-
rect p un Justice del Peace al
Gaoler pur le receiver & safe-
ment garder dun felon, ou au-
ter offender commit per le dit
Justice al Gaole.

The Exposition of

Monstrans de Faits ou Records.

Monstrans de Faits ou Records, est, sicome par exemple, un action de Det soit port envers un sur un obligation per un, ou per Executors, &c. la apres que le Plainrife ad declare, il doit monstre son obligation, & l'Executor le testament al Court, & issint est de Records.

Et le diversitie perent monstrance de Faits ou Records, & oyer de Faits ou Records, est issint, il que pleade le Fait ou Record, ou declare sur ceo, a luy il appertaine de monstre ceo. Et l'auter vers que tiel Fait ou Record est pleade ou declare, & est per ceo destre charge, poyt demaund oyer de ceo Fait ou Record, que son adversarie port, ou plead vers luy.

Mortdancer.

Mortdancer, vide d' ceo d'vāt ē le title *Cosnage*.

Monstraverunt.

Monstraverunt est un Brief, & gist pur le Tēts en ancient demesne, & est direct al Seignior, luy commaundant q' il ne distraine son tenant pur faire aut service, que faire ne duissoit, & ils poient aū cest B're direct al Vic', q' il ne suffer le Seignior a distraine les dits tenaunts pur faire auter service.

Auxy si les Tēts ne poient

Shewing of Deeds ou Records.

Shewing of Deeds, or Records, is, as if for example, an action of Debt bee brought against one upon an obligation by him, or by Executors, &c. there after that the Plainrife hath declared, he ought to shew his obligation, and the Executor the testament to the Court, and so it is of Records.

And the diversitie between shewing of Deeds or Records, & hearing of Deeds or Records is thus, he that pleads the Debt or Record, or declares upon it, to him it doth appertaine to shew the same. And the other against whom such Deed or Record is pleaded or declared, & is charged, may demand hearing of the same Deed or Record, which his adversary sheweth or pleadeth against him.

Mortdancer.

Mortdancer, loke for the befoze in the title *Cosnage*.

Monstraverunt.

Monstraverunt is a writ, it lyeth for the Tenant in ancient demesne, and is directed unto the Lord, him commaunding that he distraine not his tenant for to doe other service than he ought not to do, & he may have this writ directed to the Sherife, that he suffer the Lord to distraine the Tenant for to doe other service.

Also if the Tenant cannot

in quiet, they may have an
attachment against the Lord,
appeare before the Iustices,
and all the names of the ten-
ants shall be put in the capis,
but one of them bes
only.

Also if any lands in ancient
demesne be in variance between
the Tenant, then the Tenant
sued, shall have against
the Lord a writ which is cal-
led a writ of Right close after the cu-
stome of the Mannor, and that
it be alway brought in the
Court, & thereupon he
declares in the nature of
the writ he will, as his case
is, and this writ shall not be
removed, but for a great cause,
by power of the Court.

Also if the Lord in another
demesne his Tenant to doe
him service then he ought,
he shall have a writ of Right,
called *Ne injuste vexes*, and it is
a writ of right Patent which
shall be tryed by battell or
by Assise.

Monstrans de droit.

Monstrans de droit is a suit
in Chancery for the subject
to be restored unto lands and
tenements, which he shewes to
be his right, but are by office
granted to be in the possession of
another that is lately dead, by
whose office the King is intitled
to a chattell, freehold, or in-
heritance in the said lands. And
the Monstrans de droit is gi-
ven by the Statutes of 34 E. 3.

est en quiet ils poient aver
un attachment vers le Seigni-
our d'appearera devant les Ius-
tices & tous les nommes des
Tenaunts seront mise en le
Briefe, comet q forsqne un de
eux soit greü solement.

Auxy si aucun terres an aun-
cient demesne soit en vari-
aunce enter les Tenants, donqs
le Tenant issint grieve avera
vers auter Briefe quod voca-
tur Droit close *secundum con-
suetudinem Manerii*, & ceo ser-
ra tous foites port en le
Court le Seignior, & sur ceo il
countera en le nature d quel
Briefe il veia, come son case
gist, & cest Briefe ne serra re-
move, si non pur grand cause,
ou non power de le Court.

Auxy si le Seignior en au-
ter lieu hors ne auncient de-
mesne distraine son Tenaunt
de faire auter service que il
doit, il avera Briefe de Droit,
appelle *Ne injuste vexes*, &
cest un Briefe de droit Pa-
tent, que serra tric per battell
ou grand Assise.

Monstrans de droit.

Monstrans de droit est un
suit en le Chancery pur le
subject destre restore as terres
& tenements, queux il monstre
d'estre son droit, mes sont p of-
fice troves destre en le posses-
sion dun q darreint morust,
p quel office le Roy est entitle
al un chattel franktenement ou
inheritance en les dits tres. Et
cest Monstrance de droit est
done p les Statutes d 34 E. 3.

cap. 14. & 36. E. 3. cap. 13. Veies
Coke, lib. 4. fol. 54. B. en le case
del Wardens & Comminaltie
des Sadlers.

Mortgage on Mortgage.

Mortgage uu Mortgage est
quant un fait un feoff-
ment a un autre sur tiel condi-
tion, Que si le feoffour paya
al feoffee a certaine jour 40. li'
d'argent, que adonque le feof-
four poit re-enter, &c. en ceo
case le feoffee est appel Te-
nant en Mortgage. Et sicome
un home poit fayre feoffment
en sec en Mortgage, issint il
poit faire done en Taile, ou
Lease p' tme d' vic, ou p' tme d'
ans en Mortgage. Et il semble
que la cause pur q' il est appel
Mortgage, est pur ceo que il
estoit en awerouft, si le feof-
four voyle payer al jour li-
mitte l' argent ou non, &
si il ne paya pas, donques
le terre que il mist engage
sur condition de payment de
le money, est ale de luy a
touts jours, & issint mort a
luy sur condition: Mes si il
paya le money, donqs est le
gage mort quant a le Tenant,
cesta cavaire, le feoffee, & pur
cest cause il est appel en La-
tin, *Mortuum vadium*, come
Monsieur Littleton dir, ou
Mortuum vas, come Leo pense.

Auxy si feoffement soit fait
en Mortgage sur condition.
Que si le feoffour paya tiel
summe a tiel jour, &c. & le
feoffour morust devant le
jour, uncore si le heire le feof-

cap. 14. and 36. E. 3. cap. 13.
Coke, lib. 4. fol. 54. B. in the
of the Wardens and Com-
malty of Sadlers.

Mortgage or Mortgage.

Mortgage or Mortgage is wh-
a man maketh a feoffment
to another on such con-
tion, That if the feoffour pay
to the feoffee at a certain
40. li. of money, that then the
feoffour may re-enter, &c. In
this case the feoffee is called
Tenant in Mortgage. And
as a man may make a feoffment
in fee in Mortgage, so he may
make a gift in Taile, or for
term of life, or for term of
years in Mortgage. And it se-
meth that the cause why it is
called Mortgage, is for that
it standeth in doubt, whether
the feoffour will pay the money
at the day appointed or not,
and if hee faile to pay, then
the land which he laid in mortgage
upon condition of payment of
the money, is gone from him
for ever, and so dead to him
upon condition: But if he pay
the money, then is the gift
dead as to the Tenant, and
is to say, the feoffee, and by
this cause it is called in La-
tine *Mortuum vadium*, as
M^r Littleton saith, or rather
Mortuum vas, as I thynke.

Also if a feoffment be made
in Mortgage upon condition,
That if the feoffour pay such
summe at such a day, &c. and the
feoffour dye before the day,
if the heire of the feoffour

same summe as the same
the feoffee, and the feof-
feeth it, then the heire
the feoffour may enter: But
such a case, if there bee
of payment expresse,
such tender of the heire
and, soz that that when
the feoffour dieth, the time of
is past, or otherwise the
of the feoffour shall have
of the tender soz ever, which
be inconvenient, that one
have a fee simple to him & to
heires which shall be defea-
sures at the pleasure &
others, but in the first
the time of tender was not
by death of the feoffour:

Moderata misericordia.

Moderata misericordia is a
writ, and it lyeth where a
man is amerced in Court Ba-
rois County, more than he
ought to be, then he shall have
a writ directed to the Sherife
of the County, or to the
Justice if it be in the Court Ba-
rois, commanding them that they
amercen him not, but having re-
gard to the quantity of the tres-
passe, if they do not upon this
writ, then shall go forth against
them *Sicut alias*, & *Causa nobis*
procedet, & after that an At-

Mortmaine.

Mortmaine is where lands
are given to a house of Re-
ligion, or to another company
which be incorporate by the kings
power, when the land is come in-

four paya mesme le somme a
mesme le jour al feoffee, & le
feoffee ceo refusa, donques le
heire le feoffee poit enter: Mes
en tiel case si ne soit aucun
jour de payment expresse,
donques tiel tender del heire
est voyde, pur ceo, que quante
le feoffour morust, le temps d'l
tender est passe, ou autrement
les heires le feoffor averont
tēps del tend a tout jours, que
serra inconvenient, q un avera
un fee simple a luy & a ses
heires q sera defeasible tous
foits a le pleasure & volunt d'
autres, mes en le primer case le
temps del tender ne fuit ex-
presse p la mort le feoffour.

Moderata misericordia.

Moderata misericordia est un
Briefe, & gift lou home
est amerced en Court Baron,
ou Couatie, plus q dever este,
donques il avera cest Briefe
direct al Viscount si soit en le
Countie, ou al Baylife si soit
ē Court Baron, eux comman-
dant q ils ne luy amercions,
mes eyent regard al quantitie
del trespassse, & s'ils ne font sur
eel Briefe, donques issira vers
eux un *Sicut alias*, & *Causam*
nobis significet, & apres ceo un
Attachment.

Mortmaine.

Mortmaine est lou tres sont
doñs a meason d' religion,
ou a un autre compagnie q sont
corporate p le grant le Roy,
donq cest tre est divenus en

Mort=

The Exposition of

Mortmaine, cest adire en Anglois, a dead hand, & donque le Roy ou le Seignieur de q̄ le terre est tenus poit entre, come appiert per l' estatute de *Religiosis*, ideo veies l' estatute. Auxy cy un fait feoffment sur confidence a certaine persons al opes de un meason de Religion, ou al opes de ascun Gild, ou fraternitie corporate, donques il serra dit *Mortmain*, & in encourage m̄ le pain, ut patet p̄ l' estatute *Anno 15. R. 2.*

Mortuary.

Mortuary (*Mortuarium*) est ceo aver ou auſ chattell moveable, que apres le mort del owner, per le custome des ascuns lieux accrue al Parson, vicar, ou priest del paroche en lieu ou satisfaction des dismes, ou oblations, oblates, ou nient duement payes per cestuy que est mort. Vies ore l' estatute de 21. H. 8. c. 6. que limit le course & order del payment de ceux mortuaries ou d̄ deniers pur eux.

Mulier.

Mulier est un parol use en nostre Ley, mes come apment, Ieo ne poy dire ne scay bien: Car accordant al proper signification, *Mulier* est *Femina corrupta*, sicome il est use per *Vlpianus* en un certain lieu en tiel man: *Quod si ego me virginem emere putarem cum esset mulier, emptio non valet.* Per ceo poyes veier, que *Mulier* est un feme que ad ew le

to *Mortmaine*, that is to say in English, a dead hand, & therefore King or the Lord of whom the land is holden may enter, and appeareth by the Statute of *Religiosis*, therefore for the Statute. And if one make a feoffment upon trust to certain persons to the use of a house of Religion or to the use of any Guild or fraternity corporate, then it shall be said *Mortmain*, & then he shall run in the same pain, as it appeareth by the Stat. *An. 15. R. 2.*

Mortuary.

Mortuary is that beaſt or other chattell moveable, which after the death of the owner, by the custome of some places became due unto the Parson, Vicar, or Priest of the Parish, in lieu of Satisfaction of Tithes or offerings, for as much as is not well & truly paid by him that is dead. See now the Statute of 21. H. 8. c. 6. which limit the course & order of the payment of these mortuaries of money for them.

Mulier.

Mulier is a word used in our Law, but how apply I cannot well learne: for according to the proper signification, *Mulier* is a defiled woman, like as it is used in *Vlpianus* in a certaine place, after this sort: If I thought that I had bought a Virgin, when shee was a defiled woman, the bargain was not good. Whereby you may see, that *Mulier* is a woman that hath

company of a man. But
the right signification,
is taken in our Law, for
that is lawfully begotten
son : & is alwayes used
in comparison with a Bastard,
to shew a difference be-
tween them : & thus for exam-
ple. A man hath a sonne of a
woman before marriage, that is
a bastard, and unlaw-
full. And after he marieth the
mother of the Bastard, and
they have another sonne, this
sonne is called Mulier,
that is to say, lawfull & shall
inherit to his father : But the
first cannot bee heire to any
thing, because it is not knowne
certaine in the judgement of
the Law, who was his father,
for that cause is said to bee
a mans son, or the son of the
mother, & so without father, ac-
cording to these old verses.

To whom the people father is,
him is father none at all.

To whom the people father is,
and fatherlesse we may him call.

And alwayes you shall finde
this addition to them, (Bastard
and Mulier yongest)
when they bee compared toge-
ther.

Muniments.

Muniments are Evidences
or writings, concerning
mans possession or inheri-
tance, whereby he is able to de-
termine the estate which he hath.
They are so called from the
Latin word, Munio, which sig-

companye d'un home : Mes a
linquisher le droit significa-
tion, *Mulier* est prise en nostre
Ley, pur un que est loyamment
engender & nec, & est tous
dix use en comparaison ovesq;
un bastard, solement per mon-
stre un difference peréter eux:
come pur exemple. Vn home
ad un fitz per un feme devant
mariage, cest issue est appelle
un bastard, & illoyal. Et apres
il marrie ove le mior del ba-
stard, & ont un auter fitz, cest
second fitz est appelle *Mulier*,
cest adire, loyal, & terra heire
a son pier : mes le auter ne
poit este heire al ascun home,
pur ceo que il nest conus ne
certaine en le judgement del
Ley que fuit son pier, & pur
cest cause est dit destre *Nullius*
filius, ou *filius populi*, & issint
sauns pier, accordant al ce-
cestuy viele verses.

*Cui pater est populus, pater est
sibi nullus & omnis.*

*Cui pater est populus, non ha-
bet ipse patrem.*

Et tous foits vous troves
cest addition al eux (Bastard
eigne, & *Mulier* puisne)
quaunt ils sont compare en-
semble.

Muniments.

Muniments (Munimenta)
sont evidences ou escripts
touchants le possesiō ou inhe-
ritance dascun home, & per
que quex il est able pur defen-
sestate que il ad. Et ils sont is-
sint appellez del Latin paroll
Munio,

The Exposition of

Donis, que signifie pur defendre ou fortifier, & 35. H. 6. fol. 37. b. *Wangford* dit que cest parol *muniment*, include tous manieres des Evidences, siz charters, releases & autres.

Murage.

Murage (Muragium) est un tolle ou tribute levie pur le repaier ou edifier des publique mures. V. Fitz. n. b. fol. 227. D. & lestatute 3. E. 1. cap. 30.

Murder.

Murder est un voluntarie occider d'un homme sur malice pretenise, & semple de vener de le Saxon parol *Mordren*, que issint signifie. Et *Mordridus* & le Murderer tauq, al cest jour en eux in Saxony, de que nous avom^s mults de nostre parolx, come ad otre sovent dit. Ou poit estre derive d^e *Mort* & dire, quasi, *Mors dicitur*. Veies *Stamf. Ples del. Coron.* l. 1.

Muster.

Muster venust del parol Francois *Monstre* (id est Specimen) ou *Monstrer* (id est *Monstrare*) car de muster nest riens forsqu; de monstre homes & lour armes & de eux enroler en un liver cōc appiert per lestatute de 18. H. 6. cap. 19.

N.

Naam.

Naam est le pursuer ou apprehension des biens

nisses to defende or fortify. 35. H. 6. fol. 37. b. *Wangford* says that this word *muniment* includes all manner of evidences, viz charters, releases and others.

Murage.

Murage is a toll or tribute levied for the repairing building of publicke walls. Fitzh. n. b. fol. 227. D. and statute of 3. E. 1. chap. 30.

Murder.

Murder is a wilfull killing of a man upon malice in thought, and semeth in the Saxon word *Mordren* which so signifieth. *Mordridus* is the murderer chosen this day amongst them in Saxony, from whence we have one of our words, as hath been ten said. Or it may be derived Mort and dire, as *Mors dicitur*. Stamf. Ples of the Crowne.

Muster.

Muster comes of the French word *Monstre*, that is to say, a proof or triall or else of *Monstrer* (that is to say, to shew) to muster is nothing but to shew men and their armes, & to enrol them in a booke, as appeareth by the statute of 18. H. 6. c. 19.

N.

Naam.

Naam is the attaching or taking of the moderate goods

maye man, and is either
of unlawfull : Lawe
that is nothing else but
distresse according
to value of the thing for
the distresse is. *Hornes Mirroure of Ju-
stice lib. 2.*

mouvables d'un autre home, &
il est ou loyal ou illoyal. Na-
am est riens autre que un rea-
sonable distresse accordant al
value del chose pur que di-
stresse est fait. Veies plus de
ceci, *Hornes Mirroure de Justices
lib. 2.*

Nativo habendo.

Nativo habendo.

Nativo habendo is a writ, &
it is where the villeine of
the Lord is gone from
him, then the Lord may have
him restored to the Obe-
dience that he make the Lord to
his villein or niese with
his goods.

Nativo habendo est un Brief,
& gift lou le villeine ou
niese d'un Seignior est al de
luy, donques le Seignior ave-
ra cest brief direct al Vic', que
il face le s'ur aver son villeine
ou niese ovesque tous ses
chateux.

And this writ, more vil-
leines may not be de-
mand then twaine, but as
villeines or niesen as
jointly may bring a writ
of libertate probanda.

Auxy en cest brieve plusieurs
villeines ou niesen ne purront
ce demandes que deux, mes auxy
tants des villeins, ou niesen que
voient, joynant poient porter
brieve de *Libertate probanda*.

If a villein or niese bring
a writ de libertate probanda,
then the Lord bring this
writ, then the villeine plaintife
shall be in peace till the com-
ing of the Justices, or else his
lord shall not helpe him.

Auxy si un niese port brieve
de *Libertate probanda*, avant
que le Seignior port cest brief,
donques le villein pl' ou niese
serra en peace j'esque al venue
des Justices, ou autrement son
brieve ne luy aydera.

If a villein have carried
in ancient demesne one
year and a day without claime
of the Lord, then hee cannot
be taken in the said franchise.

Auxy si un villeine ad demur
en auncient demesne per un an
& jour sans claime del seigni-
our, donque il ne poit luy sei-
ser deins le dit franchise.

Neadmittas.

Ne admittas.

Neadmittas is a writ direct
to the Bishop at the
request of the Patron of
the Church, and hee doubtes
the Bishop will collate on
another, or admit anoither

NE admittas est un Briefe di-
rect al Evesque al suit de
un que est Patron de ascun
Eglise, & il doubra que l'eves-
que voit collate un son Clerk,
ou admit un autre Clerke pre-
sent

sent par auter home al dit benefice, d'oques il que ceo doubta, avera cest Briefe de inhibiter le Viscount de collater ou admitter ascun a son Eglise.

*Non omittas propter
Libertatem.*

Non omittas propter libertatem est un Briefe & gist lou le Viscount retourne sur Brief a luy direct, que il ad maund al Bailife de tiel Franchise que aver retourne des Briefes, & il nad servie le Briefe, donques le plaintife avera cest Briefe direct al Viscount, que il luy mesme enter in le Franchise & execute le Briefe le Roy.

Auxy le Viscount garnera le Bailife que il soit devaunt les Iustices al jour contenu en le Briefe, & sil ne vient & luy acquite, donques tous les briefe judiciales que passeront hors del Court le Roy durant mesme le plee, seront breifs, *De non omittas, &c.* le Viscount ferra execution de eux pendant cel plee.

Negativa pregnans.

Negativa pregnans est quant un Action ou information ou tiel semblable Suire est port envers un, & le Defendant plead en barre del Action, ou auerment un Negative plee, que nest cy special aunsweere al Action, mes que il enclude auxi un Affirmative: Come pur exemple; si en Briefe de

Clerke presented by man to the same benefice: hee that doubteth it shall have this writ to forbid the Sheriff to collate or admit any to that Church.

*Non omittas propter
libertatem.*

Non omittas propter libertatem is a writ, and it lyeth where the Sheriff returneth upon a writ to him directed that he hath sent to the Bailiff of such a franchise which he returneth of writs, & he hath served the writ, then the plaintife shall have this writ directed to the Sheriff, that he himselfe enter into the franchise & execute the Kings writ.

Also the Sheriff shall warn the Bailiff that he be before the Iustices at that day contained in the writ, & if he come not, & excuse himselfe, then the writs judicials which he passe out of the Kings Court during the same plee, shall be writs. *De non omittas, &c.* the Sheriff shall make execution of them hanging that plee.

Negativa pregnans.

Negativa pregnans is when an Action or Information or such like is brought against one, and the Defendant pleadeth in barre of the Action, otherwise a negative plee which is not so special answer to the Action, but that includeth also an affirmative. For example; If a writ

entre en casu proviso, brought
him in the reversion upon
alienation by the Tenant for
life, supposing that he hath alien-
ed in fee (which is a forfeiture
of his estate) & the Tenant to the
court saith, that he hath not ali-
ened in fee. this is a Negative,
wherein is included an Affir-
mative: for although it be true
that he hath not aliened in fee,
it may be that he hath made
an estate in tail (which is al-
so a forfeiture) and then the en-
try of him in the reversion is
lawful, &c.

Also in a Quare impedit, the
plaintiff makes Title to present to
the benefice, for that the Temporal-
ties of the Bishopricke were
in his hands by the death of
the Bishop, &c. The Defen-
dant saith that it was not voyd
of the temporalities in the
hands by the death of W.
this is a Negative pregnancy,
because it may be in the kings hands
before then by the death of
W. sufficiently the king if it be
in his hands by any means, &c.
So it is where an Informa-
tion was brought in the Exche-
quer against J. S. for that he
ought wool betwene shering
and the assumption such a
year of J. N. The defendant
saith that he did not buy any of
the wool, &c. this is a negative pregnancy,
because it may be bought of any other,
and he is culpable for the buy-

Entre in casu proviso, port per
cestuy en le reversion sur alic-
nation; per le Tenant pur vie,
supposant que il ad alien en
fee (que est un forfeiture de
son estate) & le Tenant al
Brieve al dit que il nad alien e
fee, cest un Negative, en que
est enclude un Affirmative:
car nient obstant il soit veray
que il nad alien en fee, uncore
il poit estre que il ad fait un e-
state entaille (le quel est auxy
un forfeiture) & donques le
entry de cely en le reversion
est loyal, &c.

Item en un Quare impedit, le
Roy fist Title de presenter a
un Prebend, ratiope que les
Temporalities de Levesquerie
fuerot en sa mains p le mort
de W. nuper Episcopi, &c. Le
Defendaunt dit que ne voyda
pas esteants les temporalities e
les mains del Roy per le mort
de W. cest un Negative preg-
nance, car il poit estre en les
mains del Roy auement que
per le mort de W. & il fust al
Roy si soit en sa mains, &c.

Isint est lou un Informa-
tion fuit port in Scaccario
vers J. S. pur ceo que il achate
laines perenter shering temps
& assumption tali anno de J.
N. Le defendant dit quod non
emit de J. N. come il est al-
leadge, &c. ceo est appelle un
negative preignans, car si ceo
achate de auter, uncore il est
culpable pur acheter.

The Exposition of

Ne iniuste vexes.

NE iniuste vexes, Vide de ceo devant, titulo Monstraverunt.

Niese.

Niese est un feme q̄ est bōde ou un villein feme, mes si il marrie un frankehome, el est per ceo fait frank, pur ceo que el & sa baron sont forsque un person en Ley, & el covient estre de mesme le nature & cōdition en ley a tous entents come sa baron. Mes sa baron est frank a tous entets sans ascun condition en ley, ou autermēt: & issint per consequens, le feme covient estre, & est franke accordant al nature son franke baron, & donques si el soit un foits franke & cleerement discharged de villenage & toutes entents, el ne poit estre niese apres sans especial act fait per luy, come divorce, ou conu sans en Court de Record, & ceo est en favour de libertie, & pur ceo un franke feme ne sera villeine p̄ prisel del villeine a la baron: Mes lour issue sera villeins come lour pere fuit, que est contrary a le Ley civile, car la est dit, partus sequitur ventrem.

Bondage ou Villeinage ad son cōmencemēt enrer les Hebrewes, & son originall proceeding de Chanaan le fīs de Cham, que pur ceo q̄ il avoit derise son pere Noe gisant dissolument qaunt il fait ebie, fuit punie en son fīs

Ne iniuste vexes.

NE iniuste vexes, Looke there of befoze in the title Monstraverunt.

Niese.

Niese is a woman that is bound, or a villeine woman, but if she marry a free man, she is thereby made free, because she and her husband are but one person in Law, & she ought to be of the same nature & condition in Law to all intents that her husband is. But her husband is free to all intents without any condition in Law, or otherwise: & so by consequence the wife ought to be free according to the same as her free husband, & then if she were once free and clearly discharged of bondage to all intents, she cannot be niese without especial act done to her, as divorce, or confession in Court of Record, and that is in favour of liberty, and therefore a free woman shall not be bound by taking of a villeine for her husband: But their issue shall be villeines as their father was, which is contrary to the civil law, for there it is said The birth followeth the better.

Bondage or villeinage began beginning amongst the Hebrews, and his originall proceeding of Chanaan the son of Cham, who because that he mocked his father Noah to sleeping dissolutely & when he was drunke, was punished in his

Chanaan with penaltie of bondage.

Chanaan ovesqué penaltie de bondage.

Nihil dicit.

Nihil dicit.

Nihil dicit is when an Action is brought against a man, and the defendant appeares, the plaintife declares, and the defendant will not answer, or pleades to the action, and doth not maintaine his plee, but makes default, now upon this default he shall be condemned, because he saith nothing.

Nihil dicit est quaut un Action est port envers un home, & le defendant appeare, & le plaintife declare & le defendant ne voyle respondre ou pleade al action, & ne maintenance son plee, mes fait default, ore sur cest default, il serra condemne quia nihil dicit.

Nisi prius.

Nisi prius.

Nisi prius is a writ judiciall, & lieth when an enquest is impanelled and returned befoze the Justices in the bench, then the plaintife or defendant may have this writ directed to the Justices, him commanding that because the inquest to come befoze the Justices in the same court, at their coming to be examined, & that for the calling of the Enquest.

Nisi prius est un Brief judicial, & gist quant lenquest est impanell & retorne devant les Justices en banke, donques le plaintife ou defendant poit aver cest Briefe direct al viscouar, luy commandant que il face venir la Enquest devât les Justices en mesme le countrey a lour venir la destre determine, & ceo pur casement del Enquest.

Nomination.

Nomination.

Nomination is where one may in right of his manor, or otherwise, nominate & appoint a worthy clerke or parsonage, vicarage, or such spiritual promotion. And that this nomination be to be to another then the ordinary, which other shall present him to the ordinary.

Nomination est lou un poit in droit de son manor, ou auterment, nominate & appoint un able clerke ou home al un parsonage, vicarage, ou tiel spiritual promotion. Et nota que cest nomination doit estre al auter que lordinary, que auter luy presentef al ordinary.

Nonability.

Nonability.

Nonability is where an Action is brought against one, &

Nonability est lou un Action est port vers un, & le

The Exposition of

le defendant dit, que le plain-
tife est non able de suer aucun
Action, & demaund judgement
sil serra responde. Il y ad
6. causes de Nonabilitie en le
plaintife, come sil soit utlage,
ou alien ne (mes cest disabi-
lity est en actions reals & mix
solement, & non en actions
personals, si non que il soit un
alien enemy) ou condempne en
Premunire, ou professe en un
Abbe, Priory, ou Friery, ou
excommenge, ou un villeine,
& sue son Seignior : mes cest
darreine nest plee pur auter q
nest Seignior al villeine. Vide
de ceo *Lit. lib. 2. cap. 11.*

Non clayme.

N*On clayme* est le omission
ou neglect cestuy q doit
challenger son droit deins un
temps limite, per quel neglect
il est ou barre de son droit
come a cest jour sur non
clayme deins cinque ans apres
un Fine & droit a luy accrue
per lestatute de 4. H. 7. cap. 24.
ou de son entry per un discent
pur default del clayme deins
cinq ans apres le disseisin fait
per lestatute de 32. H. 8. cap. 33.

Non suit.

N*On suit* est le renouner del
suit per le plaintife ou de-
mandant quant le matter est
en aucun probabilitie pur pro-
ceed, come apres le tenant ou
defendant ad appeare, &c Et
v. lestatutes 2. H. 4. cap. 7. en
qx cases home ne poit estre
non suit & 23. H. 8. cap. 19. &

the defendant saith, that the
plaintife is not able to sue an
Action, and demandeth judg-
ment if he shall bee answered.
There are six causes of nonabi-
lity in the plaintife, as if he be
an outlaw, or an alien boyn (but
that disability is in actions reals
and mixt onely, & not in actions
personals, except he be an alien
enemy) or condemned in *Premunire*,
or professed into an Ab-
bey, Priory, or Friery, or ex-
communicate, or a villeine, and
sueh his Lord : But this last
is no plee for another that is not
Lord to the villeine. See more
hereof Littleton lib. 2. cap. 11.

Non clayme.

N*On clayme* is the omission or
neglect of him that ought to
challenge his right within a
time limited, by which neglect
he is either barred of his right
as at this day upon non clayme
within five yeares after a fine
and right to him accrewed by
the Statute of 4. H. cap. 24. or
of his entry by a discent or
want of clayme within five
yeares after the disseisin made
by the statute of 32. H. 8. cap. 33.

Non suit.

N*On suit* is the renouncing
a suit by the plaintife, or de-
mandant when the matter is
some probability to proceed,
after that the tenant or defen-
dant hath appeared, &c. And by
the statute of 2. H. 4. cap. 7. in
what cases a man cannot be
non suit & 23. H. 8. cap. 19. &

cap. 3. & 4. Iac. cap. 3. where hee
that is non suit shall pay costs
to the defendant.

8. Eliz. cap. 2. & 4. Iac. cap. 3. lou
cestuy est non suit payera costs
al defendant.

**Bare or naked
Contract.**

Nude Contract.

Bare contract, or naked pro-
mise, is where a man bargain-
eth or selleth his lands, or
goods, or promisseth to give to
another, or a horse, or to build
a house, or doe such a thing at
such a day, and there is no re-
compence appointed to him for
the doing thereof: As if one say
to another, I sell or give to you
such lands or goods, and there
is nothing appointed, assigned,
or agreed upon what the other
shall give or pay for it, so that
there is not one thing for ano-
ther, this is a naked contract,
and void in Law, and for not
performance thereof no action
lieth, for of a naked contract
cometh no action.

Nude Contract, ou nude
promise, est lou un ho-
me bargain ou vende ses
terres, ou biens, ou promise
pur done al auter mony, ou un
cheval, ou a edifier un meason,
ou faire tiel chose a tiel jour, et
la est nul recompence appoint
a luy pur le faire de ceo:
Come si un dit al auter, Ieo
vende ou done a vous tonts
mes terres ou biens, & la est
nul chose appoint, assigne, ou
agreee que l'auter donera, ne
payera pur ceo, issint que il
nad quid pro quo, cest un nude
contract, & voyd en ley, & pur
non performance de ceo nul
action gist, car, Ex nudo pacto
non oritur actio.

Nuisances.

Nuisances.

Nuisances is where any man le-
veth any wall, or stoppeth
any water, or doeth any thing
to his owne ground, to the
substantial hurt or annoyance of
his neighbour, he that is grie-
ved may have thereof an Assise
de Nuisances. And if he that makes
the Nuisances alien the land to
another, then this writt shall be
ought against them both, as it
cometh by the Statute Westm.

Nuisances est lou ascun ho-
me levie ascun mur, ou
estoppe ascun ewe, ou fais
ascun chose sur son terres
demefne, al annoyance son
prochein, cestuy que est greve
avera ent un bre appel Assise
de Nuisances. Auxy si il que fist
le nuisances alien la tre a un au-
ter, donques cest briefe serra
port envers ambideux, come
appiert per le Statute Westm.

The Exposition of

Nuper obiit.

N*uper obiit* est un Brieſe, & giſt lou un ad pluſours heires, ceſtaſcavoire, pluſours ſiles, ou pluſours ſits ſil ſois en Gavelkind en Kent, & devie ſeiſie, un heire entra en tout la fre, & donques les autres que ſont tenus de hors, averont ceſt brieſe vers le coheire que eſt deins. Mes brieſe de *Rationabili parte* giſt en tiel caſe ou lanceſtor fuit un ſois ſeiſie, & ne moruſt ſeiſie de poſſeſſion, mes del reverſion.

O.

Odio & Atia.

O*dio & Atia* eſt un vieux brief mention en leſtature de *weſt.* i. fait en 3. E. 1. c. 11. & fuit direct al viſcount pur inquire ſi home cōmiſe al priſon ſur ſuſpition del murder, fuit commiſe ſur un juſt ſuſpition ou pur malice ſollement. Et ſi ſur enquire fuit trove que ne fuit culpable, adonques un autre brieſe venuſt al viſcount pur luy bayler. Mes ceſt courſe eſt ore tolle per leſtature de 28. E. 3. cap. 9. come appiert en *Stamfords pl. cor. fol. 77. G* & v. *Coke lib. 9. fol. 56. a. b.*

Ordæl.

O*rdæl* eſt tant a dire come *expers criminis*, & fuit

Nuper obiit.

N*uper obiit* is a writ, and lieth where one hath many heires, that is to ſay, many daughters, or many ſonnes. It be in Gavelkind in Kent, or dieth ſeiſed, and one heire treſh into all the land, then the other that hee holdeth out, may have this writ againſt the coheire that is in. But a writ of *Rationabili parte* lieth in ſuch caſe where the anceſtor was once ſeiſed, & died not ſeiſed of the poſſeſſion, but in reſerſion.

O.

Odio & Atia.

O*dio & Atia* is an old writ mentioned in the Statute of *Westm.* i. made in 3. E. 1. c. 11. it was directed unto the ſheriffe to inquire whether any man committed unto priſon upon ſuſpition of murder were committed upon juſt cauſe of ſuſpition, or for malice onely. And if upon an inquisition it were found that hee were not guilty, then there came another writ to the ſheriffe to bayle him. But now the courſe is taken away by the Stat. of 28. E. 3. c. 9. as it appereth in *Stamfords pl. of the Crown fol. 77. G.* & ſee *Coke 9. book l. 56. a.*

Ordæl.

O*rdæl* is as much to ſay, *Not guilty*, and was an

antient manner of triall in cri-
minall causes, for when the de-
fendant being arraigned, plea-
s to be guilty, he might choise
whether he would put himselfe
upon God & the country, which
is upon the verdict of twelue
men as they are at this day, or
upon God only, & therefore it
was called, The judgment of
God pres. ming that God
should deliuer the innocent, &
that as if he were of free estate
by fine, that is to say, To goe
about over nine Plowhares
unhurt: & if he escaped unhurt,
then he should be acquitted, & if
not, then he should be condem-
ned: And if the party were of
vile condition, then he should
be tried by water, which was
in other manners: for which
Lambert, word Ordaliū.
The now this Trial is pro-
hibited by Parliament. See
Coke lib. 9. fol. 32. b.

Ordelse.

Ordelse is where any claimer
habe the Ore that is
in the soile or ground.

Ordinary.

Ordinary is a terme of the
Cristian Law & there signifies
Judge that hath autho-
rity to take conuissance of cau-
ses by his owne right & not by
deputation. But in the common
law it is properly taken for
the Bishop of the Dioces, who
is the ordinary to certifie
communications and con-
sents in lawfull marriage

antient manner de trial en cri-
minall causes, car quant le de-
fendant esteant arraine, plede
rien culpable, il puit eslier le
quel il voet mitter lue mesme
sur Dieu & le Pais, que est sur
le verdict de douze homes,
come ils sount ielsque a cest
jour, ou sur Dieu solement, &
purceo fuit appel *iudicium*
Dei, presumant que dieu voile
deliuer le innocent, cest asca-
voire, sil fuit de franke estate,
donques per feu, cest ascavoire,
A passera ouster *novi vomeres*
ignitos nudis pedibus: Et sil es-
cape *ille sus*, donque il serra ac-
quite, & sil nemy, il serra con-
demne: Et si le partie fuit
d'un servile condition, don-
que il serra trye per ewe, que
fuit en divers manners: Pur
queux veies Lambert, verbo
Ordaliū. Mes jaumes cest
trial est ouste per Parlement.
Veies *Coke lib. 9. fol. 32. b.*

Ordelse.

Ordelse est lou un claimer
de aver le Ore que est
trove en son soile ou terre.

Ordinary.

Ordinary (*ordinarius*) est un
terme del civil ley & en
ceo signifie ascun Judge, que
ad authority per prender co-
nuissance de causes en son droit
dem & nemy per deputation.
Mes en le common ley est pro-
perment prise pur levesque de
chescun dioces que est le voier
Ordinary pur certifier excom-
mungenments, copulation en

The Exposition of

loyal matrimony, & tiels ecclesiasticall & spirituall acts deins ses Dioces as Judges del common Ley, car il est le party a que le Court doit escrire sur tiels occasions. Et uncore cest parol Ordinary est usualment prise en le common Ley & les statutes pur chescun commissaire ou official del Eveque ou auter Judge ecclesiasticall que ad Judiciall authority deins son Jurisdiction, come appiert en *Coke l. 9. Henst. c. 36. b. & lestat. Westm. 2. c. 19. & 31. E. 3. c. 11.* & plusors auters.

Ouster le maine.

Ouster le maine (Amoveas manum) est un Briefe que est direct al Escheator pur deliver seisin ou possession hors des maines le Roy al party que sue le briefe pur ceo que les terres seises ne sont tenus del Roy, ou pur ceo il ne doit au le gard de eux, ou pur ceo que le title le Roy est determine, &c. Est auxy le Judgment que est done en un Monstrance de droit, ou sur un Travers ou petition, car quant appiert sur le matter discute que le Roy nad droit ou Title al chose que il seise, adonque Judgment serra done que les maines le Roy sont oustes, Et sur ceo un Amoveas manum sef agard al Escheator, que est taunt, sicome Judgment fuit done que le party averoit son terre arent. Et vies pur ceo *Stamford Prærog. cap. 24.*

& such Ecclesiasticall & spirituall acts within his Diocese as the Judges of the common Law, for he is the party to whom the Court ought to write upon such occasions. And yet this word Ordinary is usually taken in the Common Law, & in the Statutes for every Commissary or Officer of the Bishop or other Judge Ecclesiasticall that hath Judiciall Authority within his Jurisdiction, as appears in *Coke l. 9. f. 36. b. & the Statutes of Westm. 2. c. 19. & 31. E. 3. c. 11.* and many others.

Ouster le maine.

Ouster le maine is a writ that is directed unto the Escheator to deliver seisin of possession out of the Kings hands unto the party that sueth the writ, for that the lands seised are not holden of the King, or for that hee ought not to have the wardship of them, or for that the Kings title is determined, &c. It is also by Judgment that is given in a Monstrance de droit, or upon a Traverse or petition, for when it appears upon the matter discussed that the King hath no right or title to the thing that is seised, then Judgment shall be given that the Kings hands be removed, & thereupon an Amoveas manum shall be awarded to the Escheator, which is as much as if Judgment were given that the party should have his lands againe. And see in this *Stamf. Prærog. cap. 24.*

Outing

Outfangtheefe.

Oufangtheefe, that is, that thaves or felons of your land, or for, out of your land, is taken with felony or stealing, shall be brought backe to your Court and there judged.

Owelty.

Owelty is when there is Lord, Mesne, and Tenant, and the Tenant holdeth of the Mesne by the same Services that the Mesne holdeth of the Lord above him. As if the tenant hold of the Mesne by Homage, fealty, and xx.s. of Rent yearly, and the Mesne holdeth ober of the Lord above by Homage, fealty, and xx.s. and also, that is called Owelty of services.

**Hearing of Records,
and Deeds, &c.**

Hearing of Records and Deeds is, as for example: an Action of Debt be brought against a man upon an obligation, and the defendant appeares to the action, and then prayeth that he may heare the obligation wherewith the plaintife chargeth him.

So it is when an Executores bring an Action of Debt, and the defendant demandeth to have the Testament upon this demand it shal be read unto the defendant: But if it be in another Terme, or after that the defendant hath imparled, then he shal not heare it. And so as is said of Deeds, is to be understood

Outfangtheefe.

Oufangtheefe, hoc est, quod Latrones de terra vestra, vel feodo vestro, extra frā vestrā, vel feodū vestrū capti cum latrocinio, ad curiam vestrā revertant, & ibidē judicentur.

Owelty.

Owelty est quānt il y ad Seignieur, Mesne, & Tenant, & le Tenant tient del Mesne per mesmeles Services que le Mesne tient ouster de le Seignieur Paramount: come si le Tenaunt tient del Mesne per homage, fealty, & xx.s. de Rent annuellement, & le mesne tient ouster de le Seignior Paramount per homage, fealty, & xx.s. Rent auxy, cest est appelle Owelty de services.

**Oyer de Records &
Faits, &c.**

Oyer de Records & Faits, est sicome pur exemple: an Action de Dette soit port envers un home sur un obligation, & le defendant appeare al Action, & donques prie que il poet oier le obligation ovesq; que le plaintife charge luy.

Issint est quant Executors port un Action de Dette, & le Defendant demand oier del Testament, sur cest demand il serra lye al defendant: Mes si soit en un autre terme, ou apres que le defendant ad imparle, dōques il naverā le oier. Et issint come est dit de Faits, est destte entende de Records que

The Exposition of

que sont alleadge envers luy.
Veies le Title *Monstrans de*
fais.

Oyer & Terminer.

Oyer & Terminer est Briefe
appel en Latin de *Audi-*
endo & Terminando, & gift
quaunt ascun graund ou so-
daine insurrection est fait, ou
ascun autre sodaine transgres-
sion que requirer hasty refor-
mation, donques le Roy dire-
ctera un Commission a certain
gens & Justices de *Audiendo &*
Terminando.

Nota que les Justices de
Assise ont un Commission
de Oyer & Determiner, di-
rect al euz, & divers autres in-
habitants deins les Counties,
as queux leur Circuit extende
dont chescun de les Justices de
Assise sont del *Quorum*, pur le
meulx Oyer & determiner de
divers offences queux poient
avener en leur Circuits, quel
sauns cel Commission, euz ne
poient faire. Veies *Fitz. N. B.*
fo. 110. B.

P.

Paine fort & dure.

Paine fort & dure est u par-
ticuler punishmet pur ti-
els q̄ esteant arraign pur
Felony, refusont de mitter eux
mesmes sur le usual trial de Di-
cu & le Pays, & p ceo s̄ot mure
ou come mure é Ley: Veies ceo
a large en *Stampl. Cor. f. 150.*

of Records that are alleadge
against him. See the Title
Shewing of deeds.

Oyer & Terminer.

Oyer & Terminer is a writ
called in Latin, de *Auden-*
do & Terminando, and it lieth
where any great or sudden in-
surrection is made, or any-
ther sudden Trespass which re-
quireth hasty reformation, then
the King shall direct a Commis-
sion to certaine men and Jus-
tices to heare and to determine
the same.

Note that the Justices of
Assise have also one Commis-
sion of Oyer and Determiner di-
rected to them, and directed to
inhabitants within the Counties
whereunto their Circuit extendeth,
whereof each of the Justices of
Assise are of the *Quorum*, for
the hearing & determining
of divers offences, which may
happen in their Circuit, which
without the Commission they
could not do. See *Fitz. n. b. fol.*
110. b.

P.

Paine fort & dure.

Paine fort et dure is a parti-
culler punishmet for such as
being arraigned for felony,
refuse to put themselves upon
the common tryall of God & the
Country, & thereby are mured,
or as mured in Law: See this at
large in Stamford, *Pl. Cor. f. 150.*

Pannell.

Pannell comes of the French word (panne) that is a skin or panean, that is, a pece of pelle, & it signifies in our common law a Schedule or rolle, containing the names of the Jurors which the Sheriffe hath returned to passe upon any trial. And therefore the empanelling of the Jury is nothing but the entring of their names in the Sheriffes roll.

Pape.

Pppe is an auncient name falsely arrogated, or proudly usurped by the Bishop of the only City of Rome in Italy, and is commonly Englished the Pope, a name truly much frequent in our ancient yeare books, especially in the times of those Kings, who too much acknowledging their imperiall authority, & abasing themselves beneath their Estate, were ashamed to suffer an Alien, and an Outlandish Bishop, that dwelt above sixtane hundred miles from them, to be Sovereigne over them in their same Dominions, and to take from them not onely the disposition of certaine small trifles at home account, but also the nominations of Archbishops, Bishops, Abbots, Deanes, Priests, appropriations of benefices, presentations to Parsonages, Vicarages, & generally of all spiritual persons to their preferments, some

Pannel.

Pannel venust dell parol Francois (panne) is est, pellis ou (paneau) id est, parcella, & signifie en nostre common ley un Schedule ou rolle, que conteyne les nosmes des Jurors quex le Viscount ad retourne de passer sur aucun trial. Et pour ceo le impaneller del Jury nest tiens forsque le entry de leur nosmes en le rolle le Viscount.

Pape.

Pppe est un auncient nomme fausement arrogate, ou haultement usurpe par le Evêque de l' sole Cité de Rome en Italy, & est communement appelle en Anglois, le Pope, un nomme verament mult frequet en nostre auncient annels Livres. specialment en le temps d' ceux Roys, queux grandmt abandonaunts leur imperiall auctorite, & abasants eux mesmes mult debaise leur estat ne fueront honte d' suffer un alié & outlandish Evêque que inhabit ouster mille & cinque cent miles de eux, de estre Sovereigne de hault eux en leur Dominions demesne, & de tollez de eux non seulement le disposition de certain petit trifles de nul account, mes auxy le nomination de Archevesques, Evêques, Abbots, Deanes, Provostes, appropriations de Benefices, presentations al Parsonages, Vicarages, & generalment de tous spirituals persons

The Exposition of

sons a leur preſerment, aſcun temps per lapp, & aſcun temps per proviſion, ou autrement, per q̄ le Prerogative del roys fuit mult abrige deins leur Realmes demefne. Pur le reſpreſſion de quel divers ſtatuts onteltre fait, mes nul ſufficient remedy tantque Roy H. le 8. tout auſterment rejeſt oel juge del luy & ſes ſubjects.

Paramount.

Paramount eſt un paroll cōpound des deux parolls François (par, id eſt per, & mōter, id eſt, aſcendere) & ſignifie en noſtre ley le plus hault Sn̄r del ſee. Et pur le melieur entelligence de ceo v. *Fitz. n.b.f. 135. M.* en ſon brieſe de Meſne.

Paravaile.

Paravaile eſt un paroll que auxy eſt cōpound des deux parolls Frañ (par, id eſt, per, & avaller, id eſt, denūtere) & ſignifie en noſtre ley le plus baſe tenant del ſee, q̄ eſt tenant al un que tenuſt ouſter d̄l autre: v. p̄ le uſe de ceſt paroll *Fitz. n.b.* en ſon brieſe de meſne f. 135. *M.*

Parceners.

Parceners ſont ſelonque de courſe de Common Ley, ſelonque le cuſtome. Parceners ſelonque le Common Ley ſont lou un ſeiſie de un eſtate de enheritance des Tenements ad iſſue forſque filles & devie, & les Tenements diſcendont a les filles, donque ils ſount appelle Par-

times by lapp, and ſometimes by proviſion, or otherwiſe, wherby the Kings Prerogative was very much abridged within their owne Realmes. For the reſpreſſing wherof divers Statutes were made, but no ſufficient remedy untill King Henr. the 8. did caſt off their yoke for him and his ſubjects.

Paramount.

Paramount is a word compounded of two French words (Par & Monter) and it ſignifies in our Law, the highest Lord of the ſee. And for the better understanding of this ſee *Fitz. N.B. 135. M.* in his writ of Meſne.

Paravaile.

Paravaile is a word that is alſo compounded of two French words (Par & avaller) and ſignifies in our Law the loweſt tenant of the ſee, who is tenant to one that holdeth over of another: See for the uſe of this word *Fitz. N.B.* in his writ of Meſne fol. 135. *M.*

Parceners.

Parceners are according to the courſe of the common Law, and according to the cuſtome. Parceners according to the common Law, are wher one ſeiſed of an eſtate of inheritance of tenements, hath no iſſue by daughters, & devie, & the tenements diſcend to the daughters, then they be called Parceners.

and are but as one heire. The same law is, if he have not an issue, and that his sisters have be his heires. But if a man have but one daughter, she is called Parcener, but she is called the daughter and heire. And if there be no daughters nor sisters, the Land shall descend to the Nunts, and they be called Parceners.

Also when lands descend to Parceners, they may make partition betwene themselves by agreement, but if any of them wil not make partition, the other of the others shall writ de Particione facienda directed to the Sheriffe, who shall make partition betwene them by the oath of xii. lawful men of the Bayliwike.

Also partition by agreement may be made by the law, as well by word without deed, as by deed. And if they be of full age, the partition shall remaine forever, and shall not at any time be defeated.

But if the Lands be to them in the taile, & though that they be concluded during their lives, yet the issue of him which hath the lesser part in value, may discontinue from the partition, & enter and occupy in common with the other part. And also if the husbands of the Parceners make partition, when the husband dieth the wife may discontinue from the partition. Also if the Parcener which is with age maketh partition, when he cometh to full age he may

ceñers, & sount forsque un heire. Mesme le Ley est, si neyt ascun issue, & quo ses soers serroyent ses heires. Mes si home ad forsque un file, el nest dit Parcener, mes el est dit la file & la heire. Et si ne sount files ne soers, les Terres descenderount a les aunts, & els sont appels Parceners.

Auxy quaut Terres descendent a divers Parceners, els poyent fayre partition enter eux per agreement, mes si ascun de eux ne voilent fayre partition, donques l'auter ou les autres averont un Brieve de Particione facienda direct al Viscount, q̄ serra partition enter eux per le serement de xii loys als homes de sa Bayliwike.

Auxy partition per agreement poit este fait per le Ley, auxibien per parol sauns fait come per fait. Et si ils sont de pleine age, le partition tous jours demurrera, & ne serra uques defete.

Mes si les Terres sont a eux en le Taile, & coment que ils sont concludes durant leur vies, uncore le issue cestuy que ad le meinder part en value poit disagree a le partition, & enter & occuper en commun ovesque l'auter part. Et auxy si les barons des Parceners font partition, quant le baron devie, la feme poit disagree a la partition. Auxy si le Parcener que est deins age fait partition, quant il vient a son plein age, el poit disagreer.

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disagrec. Mes el covient byen garder quaut el vient a son plein age & il ne preigne tous les profits a son use demesne des terres que fueront a luy allottes, car donques el soy agreee al le partition, & le plein age serit tous foites entende al age de xxi. ans.

Auxy si sont divers Parceners que ont fait partition entre eux, & le part de un soit recover vers luy per title loyal, donques en compellera les autres de faire novel partition.

Auxy ils sont Parceners si longue le custome, lou home est seise de Terres en Gavelkind, come en Kent, & auters lieux franchises, & adissue divers fits & devle, donqs l's fits sont Parceners per le custome.

Partition.

Partition est un division de Terres descendus per le Common Ley, ou per Custome perenter Coheires ou Parceners, ou ils sont deux al meines, soient ils fitz, files, soers, avunts, ou autrement de kinrie al auncestour de que le Terre descende al eux.

Et cest Partition est fait quatre voies pur le plus part, de que troies sont al pleasure, & per agreement perenter eux, le quart est per compulsion.

Vn Partition per agreement, est quaut ils mesmes divide le terre equalmet en tants parts come la sont de eux coparceners, & chescun de eslier un share, ou part, l'eigne primerin

disagrec. But she must take good heed when she cometh to her full age, that she take not all the profits to her own use of the lands which were to be allotted, for then she agreeeth to the partition, and the age shall alway be intended the age of one and twenty years.

Also if there be divers parceners that have made partition between them, & one of them parts bee recovered by lawful title, then she shall compel the other to make a new partition.

Also they are Parceners according to custome, when a man is seised of lands in Gavelkind, as in Kent, & in other places franchised, & hath divers sons. & die, then the heirs are Parceners by custome.

Partition.

Partition is a dividing of lands descended by the common Law, or by custome among Coheires or Parceners, when there be two at the least, whether they be sons, daughters, sisters, aunts, or other kin of kin to the auncestor from which the land descended to them.

And this Partition is made foure wayes for the most part, whereof three are at pleasure, & by agreement among them, the fourth is by compulsion.

One partition by agreement is when they themselves divide the land equally into so many parts as there be of them coparceners, & each to chuse his share or part, the eldest first.

to the one after the other, as they be of age, except that the eldest by consent made the partition, then the choice belongeth to the next, and so to the eldest according as it is said: Who maketh the partition, the other must have the choice.

Another partition by agreement, is when they chose certain of their friends to make division for them.

The third partition by agreement is, by drawing of Lots, thus: first to divide the Land into so many parts as there be parcellers, then to write every part severally in a little scroll upon a pece of paper, or parchment, and to put the same scroll up into a hat, or cap, or other such like thing, and the each parceller, one after another as they be of age, to draw out but one pece of scroll whereon is written a part of the Land, which by this drawing is now severally allotted unto them in simple.

The fourth partition which is by compulsion, is when one of some of the coparceners would have partition, & other would not agree thereto, then they that so would have partition may bring a Writ De partitione faciendi against the others that would not make partition, by vertue whereof they shall be compelled to depart, &c.

In Kent where the lands are of Gavelkind nature, they call this day their partition Shifting, when the same word that

& issint l' un apres l'auter, cōe ils sont de age, si non que le eigne per consent fait le partition donques le election appartient al procheine, & issint al eigne d'arreinement accordaunt come il est dit: *Cujus est divisio, alterius est electio.*

Vn autre partition per agreement est, quant ils eslient certaine de leur amies de faire division pur eux.

Le tierce partition per agreement est, per trahens de Lots, issint: Primerment de divider le Terre in taunts des parts come la sont parcellers, donques a scribe chescū part severalement en un petit scroll, ou pece de paper ou parchmēt, & de mitter ceux scrolls close en ū hat, cap, ou autre tiel semblable chose, & donques chescun parceller, un apres autre come ils sont de age, a traher hors d'iceo un pece ou scroll en que est escript un part del terre, q' per cest trahens est ore severalement allotte a eux & seefsimple.

Le quart partition que est per compulsion, est lou un ou ascū de les coparceners voylēt aver partition, & autres ne voilent agreeer a ceo donq' ceux que issint voilent aver partition poient porter un Brief De partitione faciendi envers les autres queux ne voilent faire partition, per vertue de quel ils seront compel departer, &c.

En Kent lou les Terres sont de Gavelkind nature. ils appel a cest jour leur partition Shifting, il mesme parol que les Saxons

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Saxons use, nosmements *Shif-tan*, que signifie pur faire partition perenter coheires, & pur assigner a chescun de eux leur portion. En Latin est appelle *Herciscere*.

Partition auxy poit estre fait per Jointen ants ou tenants en common der leur assent, per fait enter eux, ou per brieve per les statutes de 31. H. 8. c. 1. & 32. H. 8. cap. 32.

Parco fracto.

Parco fracto est un brieve q̄ gist vers cestuy que infreint aucun pound & prist hors de ceo ascuns avers quex sont la loyalment impounds. Veies de ceo *Fitz. N. B. fo. 100. B.*

Parson impersonee.

Parson impersonee est cestuy q̄ est en possession dū Eglise appropriate, ou presentative, car issint est use en ambideux cases en *Dyer f. 40. b. & f. 221. b.*

Parties.

Parties al fine ou fait, sont ceux queux sont nosmes en faits ou fines come parties a ceo, come ceux queux levy le fine, & auxy ils a que le fine est levy. Et ils que sont un fait de seoffement, & ils a que il est fait sont appelles parties al fait, & issint en auters semblables cases.

Nota que si un Indenture soit fait enter deux come parties a ceo en le commencement, & en le fait un de eux graunt ou lessa un chose al un

the Saxons used, namely *Shif-tan*, which signifieth to make betwene coheires partition, & to assigne to each of them their portion. In Latin it is called *Herciscere*.

Partition also may be made by Jointenants, or tenants in common by their assent, by deed betwene them, or by brieve by the statutes of 31. H. 8. c. 1. and 32. H. 8. cap. 32.

Parco fracto.

Parco fracto is a writ that lies against him that breaks any pound and takes out the beasts which are there lawfully impounded. See of this *Fitz. N. B. fol. 100. E.*

Parson impersonee.

Parson impersonee is he that is in possession of a Church appropriate, or presentative, for so it is used in both cases *Dyer fol. 40. b. and 221. b.*

Parties.

Parties to a fine or deed, are those which are named in deeds, or fines as parties to it, as those that levie the same fine, and also they to whom the fine is levied. And they that make a deed of seoffement, and they to whom it is made, are called parties to the deed, and so in many other like cases.

Note that if an Indenture be made betwene two as parties thereto in the beginning, and in the deed one of them granteth or letteth a thing to another, that

not named in the begining.
is not party to the deed, nor
take any thing thereby.

Passport.

Passport is a word mentioned
in the statute of 2. E. 6. c. 2. &
signifies a licence made by any
hath authority for the safe
age of any man from one
to another.

Pannage or pawnage.

Pannage or **pawnage** is that
money which the Agistors of
hogs gather for the feeding
hogs within the forest, & it
is taken for all manner of
of trees within the forest
which the hogs do feed. See
For. Lawes c. 12. f. 90. a.

Patron.

Patron is he that hath the
advowson of a Parsonage,
vicarage, free-chappell, or
the spirituall promo-
n belonging to his Manor,
otherwise in grosse, and
may or ought to give
the benefice, or present
the when and as often as
the benefice is void. And this being
the Patronage, had be-
come for the most part by one
of three wayes, namely,
by reason of the Foundati-
on, that the Patron or his
ancestors, or those from whom
the church was founded or
others of the Church, or by
reason of donation for that they
gave or gave lands to the
church for maintenance thereof,

auter que nest noline en le cō-
mencement, il nest party al fait,
ne prendra tiens per ceo.

Passport.

Passport est un parol menti-
on en le statute 2. E. 6. cap.
2. & signifie un licence fait per
ascun que ad authority pur
le safe passage dascun home
del un lieu al autre.

Pannage ou pawnage.

Pannage ou **pawnage** (pānagi-
um) est ceo argent q les A-
gistors des forests collect pur le
feder des porcel deins le fo-
rest, & est auxy prise pur tous
maners d'el mast des arbres de-
ins le for, & q les porcel feed.
Veies *Man. for. l. c. 12. f. 90. a.*

Patron.

Patron est celuy que ad le
advowson de un parsonage,
vicarage, Frank chappell,
ou tiels semblable Spirituall
promotions appartient a son
manor, ou autrement en grosse,
& per ceo poit ou doit doner
mesme le benefice, ou present
a ceo quaut, & cy t. st que
il devient voyde. Et cest esta-
unt Patron ou Patronage ad
commencement pur le plus
part per un de ceux trois voy-
es, nolineement ou *ratione fun-
dationis*, pur ceo que le Patron
ou ses Auncestors, ou ceux d'
que il clame fueront founde
ou edifiers de le Eglise ou *ra-
tione donationis*, pur ceo que ils
endowe ou done Terres al ceo
pur maintenance, ou autrement

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ratione fundi, par ceo que le Esglise fuit mis ou edifie sur leur soile ou terre. Et divers temps per reason de ils tous troies.

Perquisites.

Perquisites sont advantages & profits queux vint al un Manor per casualty, & non annuement, come Escheats, Harriots, Reliefs, Waifes, Estrayes, Forfeitures, Amerciaments en courts, gards, Mariages, biens, & terres purchase per villeins de le manor, fines al copiholds, & divers semblables choses quux ne sont certain, mes happe p chance, ascū temps puis oſcē q a autre tēp. Vide Perkins fol. 20. & 21.

Perambulatione facienda.

Perambulatione facienda, est un Brieſe, & giſt lou ij. Seigniories giſont un pres lautre, & ascun encroachment est fait per long temps, donques per assent de ambid Seigniors, le Viscount prendera ovesque lue les parties & les vicines, & fieront perambulation. & fieront les meſmes come ils fueront a devant. Mes si un Seignior encroach sur lautre & ne voile faire perambulation, donques le Seignior iſſint greeve avera brieſe vers lautre, que est appelle de *Rationalibus divis*.

Peeres.

Peeres est un parol que en nostre Ley signifie ceux

or else by reason of the ground because the Church was built upon their own ground: And many times reason of them all these.

Perquisites.

Perquisites are advantages profits that come to a man by casualty, and not yearly, Escheats, Harriots, Reliefs, Waifes, Estrayes, Forfeitures, Amerciaments in Courts, Mariages, goods, lands purchased by villeins the same Manor, fines of copiholds, and divers other things that are not common but happen by chance, sometimes more often than others. See Perkins fol. 20. & 21.

Perambulatione facienda.

Perambulatione facienda, is a writ, and it lieth between two Lordships the one right to the other, and some encroachment is made by long time, the assent of both Lords, the writ shall take with both parties and the neighbors and shall make perambulation, and shall make the boundaries as they were before. If a Lord encroach upon another and he will not make perambulation, then the Lord who is wronged shall have a writ against the other, which is called de *Rationalibus divis*.

Peeres.

Peeres, is a word that in our Law signifies those

impanelled in an Enquest
any man for the con-
of clearing him of any
for which he is called
question, the reason of which
appellation of the Jury is for
Pares is a French word
comes from the Latine
Pares) th. t. is Equalls. And
income of our Nation is
by every man by his En-
quest, that is to say, by his
peers, and so it appears by
Statutes of Magna Charta
2. & West. 1. c. 6. This word
is used for the Nobility
of the Realme and Lords of
Parliament, who are called
Peeres of the Realme. And
that see Stamf. pl. of the
owne lib. 3. c. 1. f. 152.

Perinde valere.

Perinde valere is a terme that
belongs to the Ecclesiasti-
cal Law, and it signifies a
dispensation granted to a
person who not being capable
of a benefice or other Ecclesi-
astical function is de facto ad-
mitted to it. And it hath the
origin from the words which
the faculty as effectuall
the party as if he were actu-
ally capable of the thing for
which he hath his dispensation
at the time of his admittance.

Per quæ servitia.

Per quæ servitia is a writ
judiciall and goes out by
the note of a fine, and it
is in the course of a Writ
of Right, to compell him

que sont impanels en un
Enquest sur aucun home pur
le convicter au acquiter d' luy
de aucun offence pur que il est
en question. Le raison de
quel appellation del Jury est
pur ceo que Peeres est un pa-
rol Francois, que venust del
Latin (Pares) id est, egalls.
Et le custome de nost' Nation
est pur trier chescun home per
ses egals, cestascavoite, per ses
peeres, & issint appiert per le
statutes de Mag. Charta cap. 29.
& West. 1. cap. 6. Cest parol est
anxy use pur le Nobility del
Realme, & les Seigniors del
Parliament quex sont appellez
les Peeres del Realme. Et de
ceo veies Stamf. pl. coron. lib. 3.
cap. 1. fo. 152.

Perinde valere.

Perinde valere est un terme
que appartient al ley ecclesi-
astical, & signifie un dis-
pensation graunt al un Clerk,
que n'esteant capable dun be-
nefice ou auter ecclesiastical
function est de facto a ceo ad-
mit. Et avoit cest appellation
des parols que sont le facul-
ty cy effectual al party sicome
il fuit actualment capable del
chose pur que il ad son dis-
pensation al temps de son ad-
mittance.

Per quæ servitia.

Per quæ servitia est un brief
judiciall que issint del
note dun fine, & gist pur
l'conusee dun manor ou Seig-
niory, pur compell cestuy q' est
tenant

The Exposition of

enant del terre al temps del
fine levie per attourne a luy.
Et de cest brieve veies vieux
n.b. 170.a.

Petit Cape.

PETIT Cape est est un Brieve,
& gist quaunt ascun ac-
tion reall, cestascavoir,
deplee de terre est port, &
le Tenant appeare, & puis
fait default, donques issira
cest Brieve de *Petit Cape*, de
seiser les terres in maines le
Roy: Mes si neappert, mes
fait default al primer sum-
mons, donques issira un
Graund cape, & pur tiel de-
fault le Tenant perdra la ter-
re, mes sil gage son ley de non
summons, ils s'aver son default,
& donques il poit pleade ov'es-
que le demaundant. Et in
Graund cape le Tenaunt serra
summon pur responder al de-
fault, & ouster al demaun-
dant. Mes en *Petit cape* il
serra summon pur responder
al default solement. & nemy
al demaundant. Et est appelle
Petit cape, pur ceo q'il ad mi-
nus en cel brieve, q'en l'auter.

Petit Serjeanty.

TENER per *Petit Serjeanty*,
est sicome un home tient
de Roy terres ou tenements,
rendaunt a luy un cuttel, un
escue, un seir, un arke sauns
cord, ou auter seimble service,
la a volunt le primer Feoffor,
& la n'appent gatt, mariage,
ne reliefe. Et nota que home
ne poit tener per *graund Ser-*

that is tenant of the land at
time of the fine levied to return
to him. And of this writ in
old N. B. f. 170. a.

Petit Cape.

PETIT Cape is a writ, and
lyeth when any action
that is to say, of plea of land
is brought, and the tenant
appeareth, and afterwards maketh
default, then this writ of
Petit Cape shall go forth to seize
the lands into the kings hands.
But if he appeare not, but maketh
default at the first sum-
mons, then a *Graund cape* shall
goe forth, and for such default
the Tenant shall lose the land.
but if he wage his Law at the
summons, he shall save his land
faute, and then he may plead
with the demaundant. In a
Grand cape the Tenant shall be
summoned to answer to the de-
fault, and further to the de-
mandant: But in *Petit cape* he
shall be summoned to answer to the
default only, & not to the de-
mandant. And it is called *Petit*
cape, for that there is less in
this writ, than in the other.

Petit Sericanty.

TO hold by *Petit Sericanty*
is as if a man hold of the
King lands or tenements, re-
nding to him a kniife, a buckler,
arrow, a bow without string,
or other like service, at the will
of the first Feoffor, & there he
longeth not ward, marriage,
relefe. And make well that
man may not hold by *graund*

Herseantie, but of the
jeanty, ne per petit Serjeanty
si non del Roy.

Picbage.

Picbage.

Picbage is the payment of
money, or the money payd for
breaking of the ground to
up bothes and standings in
tents.

Picbage (Picagium) est le
payment des deniers ou
les deniers paies pur le infre-
inder del soile pur erecter
Tents ou setles en Faïres.

Picle or pitle.

Picle ou pitle.

Picle or pitle sèmes to come
from the Italian (Piccolo,
small) and it signifies with
a litle small close or inclo-
sure.

Picle ou pitle semble de veni
del Italian (Piccolo, par-
vus) & signifie ovesque nous
vn petit close ou inclo-
sure.

Pillory.

Pillory.

Pillory is an engine of punish-
ment ordained by the statute
11. H. 3. for the punishment of
felons, but now used for ma-
ny other offenders.

Pillory est un engine del pé-
nance ordein per le statute
de 11. H. 3. pur le punishment
des Pistoris, mes a ore usé pur
plusors auters offendors.

Pipowders.

Pipowders.

Pipowders is a Court which
is incident to every faire,
for the determination of dis-
putes upon bargaines and dis-
putes therein. See moze here-
in Crom. Jurisdic. f. 229. Coke
lib. 10. fol. 73.

Pipowders est un Court que
est incident a chescun faire
pur le determination de diffe-
rences sur cōtract & tous dis-
putes en c' cōmissiō, veies plu-
is de ceo Cromp. Jur. f. 229.
Coke lib. 10. fol. 73.

Piscary.

Piscary.

Piscary is a liberty of fishing
in an other mans waters.

Piscary est un liberty del pi-
scher en le ewe dun autre.

Placard.

Placard.

Placard is a word used in the
statutes of 33. H. 8. c. 6. & 2.
1. Ma. c. 9. and it signifies a
license to use unlawfull games
or to shoot in a gunne.

Placard est un parol use é le
statutes de 33. H. 8. ca. 6. &
2. & 3. Ma. c. 9. & signifie un li-
cence pur user illoyal games ou
de thoter en un bombard.

The Exposition of

Plaintife.

PLaintife est celuy q̄ sue ou complaine en un assise ou en un action personal, come en ũ action de det, trespass, disceit & detinuc, & tiels semblables.

Pleading.

PLeading sont appellez tous acts del parties al suits apres le count ou declaration, notamment ceo que est containe en le barre, replicat & rejoyn d & non ceo contein en le couit m̄, & p̄ ceo defaults en le matter del count, ne sont comprise deins mispleading, ou insufficient pleading, ne sont remedy per le statute de leofailes 32. H. 8. Mes seulement ceo mispleading ou insufficient pleading, commit en le barr, replication, & rejoyn der, sont la provide. Mes veies que ceux sont auxy ore remedies per le statute 18. Eliz. cap. 13.

Policy del assurance.

Policy del assurance est un course prise per Marchāts pur lassurer d̄s lour adventurs sur le mere, per doner un certaine proportiō p centum pur le securer del safe retour si del neise & tant des marchandises sur que est agree. Ed de ceo poies lier en le statute de 43. Eliz. cap. 12.

Pontage.

Pontage est un parol mentiō en divers statutes, come en West. 2. cap. 35. 1. H. 8. cap. 9. &

Plaintife.

PLaintife is he that sueth complaineth in an assise, in an action personal, as in action of debt, trespass, detinue, and such other,

Pleading.

PLeadings be called all the things of the parties to be after the count or declaration, namely that which is contained in the bar, replication & rejoinder, & not that contained in the count it selfe, & therefore default in the matter of that count is not comprised within mispleading, or insufficient pleading, are remedied by the statute of leofailes. 32. H. 8. But that mispleading, or insufficient pleading, committed in the replication, and rejoinder, there is provided for. But in those are now remedied by the statute of 18. Eliz. c. 13.

Policie of Assurance.

Policy of Assurance is taken by Merchants for assuring of their adventures on the sea, by giving a certain proportion in the hundred of the securing of the safe return of the ship, & so much of the merchandise as is agreed upon of this you may read in the statute of 43. Eliz. c. 12.

Pontage.

Pontage is a word mentioned in many statutes: as in West. 2. cap. 25. 1. H. 8. cap. 9. & 39. Eliz. c. 13.

cap. 24. it signifies sometimes contribution that is gathered by the repairing of a bridge, sometimes the toll that is paid by the passengers, to that purpose.

Pone.

Pone is a writ whereby a cause depending in the County Court is removed into the common Pleas. *See for this Old B. fol. 2. a.*

Portmoote.

Portmoote is a word used in the Statute of 43. Eliz. c. 15. & signifies a court kept in a port town.

Possession.

Possession is said two waies, either actual possession, or possession in Law.

Actual possession, is when a man hath entered into lands or tenements to him descended, or otherwise.

Possession in Law, is when lands or tenements are descended to a man, and he hath not yet really, actually, and in truth entered into them: And it is called possession in Law, because that in the eye & consideration of the Law, he is deemed to be in possession, so as much as he is tenant to every man at law that will sue concerning the same lands or tenements.

Post disseisin.

Post disseisin. Look for that before in the title Assise.

39. *El. 2. cap. 24.* & signifie ascū foits le contribution collect pur le reparation dun pont, ascun foits le tolle que est pay per passengers a ceo purpose.

Pone.

Pone est un brieve per que un cause q̄ depend en le County Court est remove en le common Pleas. *V. pur ceo V. N. B. fo. 2. a.*

Portmoote.

Portmoote est un parol use en le statute de 43. *El. c. 15.* & signifie un court tenu en un port ville.

Possession.

Possession est dit deux voies, ou actual possession, ou possession en Ley.

Actual possession, est quant un home enter en fait en fres ou tenements a luy descend, ou autrement.

Possession en ley, est quant terres ou tenements sont descende al un home, & il n'ad uncore realment, actualment, & en fait enter en eux. Et il est appel possession en ley, pur ceo que en le oiel, & consideration del ley, il est pense destre en possession, entant que il est tenant a chescun action que ascun voit suer concernat mesmes les fres ou tenements.

Post disseisin.

Post disseisin. Vide de ceo devant en le title Assise.

The Exposition of

Postea.

Postea est le record des proceedings sur un tryal per un briefe de *Nisi prius*, que est retourne apres le trial per le Iudge devant que fuit trye en le court lou l'action primerment commence, d'aver judgement la done sur le verdict: & est appell le *Postea* per ceo que, &c.

Pounds.

Pounds sont en deux sorts, lun Pound overt, le auter Pound close.

Pound overt, est chescun lieu en que un distresse est mis soit ceo common pound, tiels que sont en chescun ville ou Seigniorie, ou soit ceo backside, court, yard, pasture, ou autrement quecunque lou le owner del distresse poit vener a doner eux viand sans offence pur lour esteant la, ou son vener la

Pound close, est tiel lieu lou le owner del distresse ne poit vener a doner eux viand sans offence, come en un close meason, ou quecunque auter lieu.

Poundage.

Poundage est un subsidy al value de doudize deniers e le liver que est graunt al Roy per chescun Merchant sibien denizen come alien pur toits manners des merchandizes exports & imports. Et des tiels

Postea.

Postea is the record of the proceedings upon a trial by writ of *Nisi prius*, which is returned after the tryall by the Iudge before whom it was tryed into the court where first the suit began, to have judgement there given upon the verdict: and it is called the *Postea*, because it begins with *Postea* die & loco, &c.

Pounds.

Pounds are in two sorts, the one Pound open, the other close.

Pound open, is every place wherein a distresse is put, whether it be comon pound, such as are in every towne or lordship, or whether it be backside, court, yard, pasture, or else wharsoever whither the owner of the distresse may come to give them meat and drinke without offence for their being there, or his coming thither.

Pound close, is such a place where the owner of the distresse may not come to give them meat and drinke without offence, as in a close house, or wharsoever else place.

Poundage.

Poundage is a subsidy to the value of xii d. in the pound, which is granted to the King by every Merchant, as well denizen as alien, for all manner of merchandize carried out and brought in. And of such subsidy,

was in the statute of 1. & 2. Ed.
c. 13. & 1. Jac. c. 33.

Subsidies veies lestatutes de
1. & 2. E. 6. c. 13. & 1. Jac. c. 33.

Preamble.

Preamble.

Preamble taketh his name of
the preposition (*præ*) before,
and the verbe (*ambulo*) to goe,
joyned together, they make a
compound verbe of the first con-
jugation (*præambulo*) to goe be-
fore, and herof the first part of
beginning of an Act, is called
the preamble of the Act, which
preamble is a key to open the
minds of the makers of the act,
and the mischiefs which they
meane to remedy by the same :
for example, the statute made
in the first, the 37. cap.
which giveth an Attaint, the
preamble of which is thus: For
as much as certain people of the
realm doubt very little to give
false verdicts or oathes, which
they ought not to doe, whereby
many people are distressed, and
their right, it is provided, &c.

Preamble ad son nomme de le
preposition (*præ*) devant,
& le verbe (*ambulo*) pur va,
issint joyn ensemble, ils font
un compound verbe de le pri-
mer conjugation (*præambulo*)
p vaer devant, & de ceo le pri-
mer part ou commencement
de un Act, est appelle le pre-
amble de le Act, le quel pre-
amble est un cliffe de overer
les ments del feafors del Act,
& les mischieves que ils enten-
de de remedie p ceo : Come
pur example, le statute fait al
Westm. le primer, le 37. cap.
que done attaint, le preamble
de que est issint : Pur ceo que
ascuns gentz de la Terre dou-
tent meins faux serement faire
que faire ne duissent, p q mul-
tes des gentz sont disherites, &
perdent leur droit, purvey, &c.

Præmunire.

Premunire.

Premunire is a writ, & it ly-
eth where any man saeth any
thing in the Spirituall Court,
or in any thing that is determi-
nable in the Kings Court, and
that is ordained by certaine sta-
tutes, and great punishment
therefore ordained, as it appea-
reth by the same statutes, viz.
that he shall be out of the kings
protection, and that he be put in
prison without bail or main-
prife, till that he have made
sweyn at the Kings will, and
that his lands and goods shall

Premunire est un brieve, &
gist lou ascū home sue as-
cun autre en Court Christian,
pur ascun chose que est deter-
minable en le Court le Roy,
& ceo est ordaine per certaine
Statutes, & graund punish-
ment a ceo ordaine, come ap-
piert per mesme les Statutes,
cesta scavoire, que il serra hors
de protection le Roy, & que
soit mis en prison sans bayle
ou mainprife, ranque il ad fait
fine al volunt le Roy, & que
ses terres & chateux seront
forfaits

The Exposition of

forfeits si il ne veigne deins deux mois. Auxy leur proviseurs, procurators, artornies, executors, notaries, & maintainors, seront punish en mesme le manner, *Ideo vide Statutum.*

Auxy ascuns dient que si un Clerke sue auter home e court de Rome pur chose spiritual, lou il poit aver remedie deins cest Realme en Court son Ordinarie, que il serra en le case de le statute.

Et sur divers auters offences est impose per Statutes depuis fait, le penalte que eux incurre queux fueront attaints en premunire: Come per 33. *Eliz cap. 8.* ceux que aydent a faire corrupt bargaine sur que Usurie est reserve ouster 10. li. pur le hundred en l'an. &c.

Prebend & Prebendary.

Prebend & Prebendary sont parols plusors foits uses en nostre livres, & ils veignent del Latine (*Præbeo.*) Prebend est ceo part ou portion que chescun member ou Canon dun Cathedral Esglise receive en le droit son lieu pur son maintenance: & prebendary est cestuy q avoit tel prebend.

Precipe in capite.

Precipe in capite est un brief, & gift lou le tenaunt que tient del Roy en chiefe, come de sa Corone, & il est de force, cest adire ouste de son terre, donques il avera cest briefe, &

be forfeit if he come not within two moneths. Also their provisors, procurators, & artornies, executors, notaries, & maintainers, shall be punished in the same manner, therefore looke the Stat.

Also some men say, that if a Clerke sue another man in the Court of Rome, for a thing spiritual, where he may have remedy within the Realme in the court of his Ordinarie, that he shall be within the case of the statute.

And upon divers other offences is imposed by statutes lately made, the penalty that they incur which are attainted in Premunire: as by 13. *Eliz. c. 8.* they which are ayding to make a corrupt bargaine whereupon Usury is referred above the 10. in hundred in the year.

Prebend and Prebendary.

Prebend and Prebendary are termes often used in our books, and they come of the Latine (*præbeo.*) Prebend is that portion which every member of canon of a Cathedral Church receiveth in the right of his place for his maintenance: and Prebendary is he that hath such a Prebend.

Precipe in capite.

Precipe in capite is a writ, and it lyeth where the tenant holdeth of the King in chiefe, as of his crowne, and he is deforced that is to say, put out of his land, then he shall have this writ, & this

the writ shall be close, and shall be pleaded in the common place.

Also if any tenant which holdeth of any Lord be deforced, it cometh him to sue a writ of right Patent, which shall be determined in the Lords Court. But if the land be holden of the King, the writ of right Patent shall be brought to the Kings Court: and this writ may be removed from the Lords court into the Countie by a Tolt, & from the Countie into the Common Place by a Pone: like writs befoze in the title Droit.

Preignotary.

Preignotary is a word compounded of two French words, (*prime* & *notaire*) or of two Latine words (*præ* & *notarius*) and is used in our Law for the chief Clerkes of the Kings Courts, wherof there is one in Kings Bench, and thre in the Common Place. He in the Kings bench receiveth all actions which are sued in that court: & they in the Common place inroll all declarations, pleadings, & judgments, & make out all judiciall writs, they inroll all fines and recognizances, and exemplifie all records the same terme before that the Rolls be delivred out from their hands.

Prescription.

Prescription is when a man claimeth any thing, for that his ancestors, or predecessors, or they whose estate he hath, have had, or used any thing all

cest briefe terra close, & terra plede en le common banke.

Auxy si aucun tenant que tient de aucun Seignior soit deforce, luy covient suer briefe de Droit patent que terra determine en le court le Seignior. Mes si le terre soit tenu del Roy, le briefe de Droit patent terra port al court le Roy. Et cest brief poit estre remove de la court de Seignior en le countie per un Tolt, & de la countie en Common banke, per un Pone: Ideo veies devant titulo Droit.

Preignotary.

Preignotary est un parol composé des deux polys François *prime* & *notaire*, ou des deux parols Latinois (*præ* & *notarius*) & est use en nostre ley par le chief Clerkes des courts le Roy, dont la est un en bank le Roy, & trois en le common banke. Cestuy en banke le roy record toutes actions civils sues en ceo court: & ceux del common banke inrolle tous declarations, pleadings, & judgments & sont hors tous judiciall briefes, ils inrolle tous fines & recognizances, & exemplifient tous records mesme le terme devant que les rolles sont baile hors de leur mains.

Prescription.

Prescription est quant une person clame aucun chose, par ceo que il, ses ancestors, ou predecessours, ou eux que estare il ad, ont ow ou use aucun

The Exposition of

un chose dont nul memorie
aura al contrary.

Mes ne poit prescrire en-
counter un estatute, sinon que
il ad auter statute que serve
pur luy.

Presentment.

Presentment est equivocum:

P'un est presentment al
Eglise, quel quante aucun
home que ad droit a doner as-
cun benefice spiritual, & nosme
le person al Evesque a que il
voit le doner, & fait un letter
al Evesque pur luy, ceo est un
presentation ou presentment.
Mes si divers coheires ne poy-
ent accorder en presentment,
le presentee d'leigne serra ad-
mettre. Mes de joyntenants &
tenants en common, si ils ne
accordant deins les sixe moys,
le Evesque presentera per
laps.

L'auter est si presentment ou
informatio p' aucun jurie en u
court, devant aucun officer la q
ad auctorite de punisher as-
cun offence fait contrary le ley.

Pretensed droit ou Title.

Pretensed droit ou title est lou
un est en possession de ter-
res ou tenements, & un auter
que est hors de possession, clai-
me ceo, ou sue pur ceo: Ore
le pretensed droit ou title est
dit en luy, que issint sue ou
clame. Et si il puis vient a le
possession de mesmes les terres
ou tenements, son droit ou title
est annexe al fre & possession,
& nient donque appel droit.

the time, whereof no mind is to
the contrary.

But one may not prescribe
against a statute, except he have
another statute that serveth for
him.

Presentment.

Presentment is of two signifi-
cations: one is presentments
to a Church, which when any
man which hath right to give
any benefice spiritual, and na-
meth the person to the Bishop
to whom hee will give it, and
maketh a writing to the Bishop
for him, that is a presentation or
presentment. But if divers co-
heires may not agree in present-
ment, the presentee of the eldest
shall be admitted. But of joy-
tenants & tenants in common,
if they agree not within six mo-
neths, the Bishop shall present
by laps.

The other is a presentment
or information by a Jury in a
court, before any Officer which
hath authority to punish any
offence done contrary to the law.

Pretensed Right or Title.

Pretensed Right or Title is
where one is in possession of
lands or tenements, & another
who is out of possession, claim-
eth it, & sueth for it: Now the
presented right or title is said in
him who so doth sue & claim.
And if he afterwards come to the
possession of the same lands or
tenements, his right or title is
annexed to the land and posses-
sion, and not then called right.

Primer seisin.

Primer seisin is used in the common law for a branch of the Kings prerogative, by which he hath the first possession, that is to say, the intire profits for a yeare of all the lands and tenements wherof his tenant (that held of him in capite) is seised in his demesne as of his heire then being at full age: & this the King takes in one of the intire profits which he may take if he will until he be sued, & at the least ten years. See the stat. of Prerog. Reg. cap. 3. & Stamf. f. 11. b.

Prisage.

Prisage is that part or portion that belongs to the King of his merchandises as are taken at sea by way of lawfull prize. And this word you shall find in the statute of 31. Eliz. cap. 5.

Prisage of wines.

Prisage of wines mentioned in the statutes of 1. H. c. 5. is a custom by which the King out of every barke laden with wine takes forty Tunne, claimes to have two tun at his own price.

Privie or privites.

Privie or privites is where a lease is made to hold at will, for years, for life, or a feoffment in fee, and in divers other cases, now because of this that hath passed betwene these parties they are called privies, in

Primer seisin.

Primer seisin est use en le common ley pur un branch del prerogative le Roy per que il ad le primer possesiō, cest a savoir, les intire profits pur un an des tous les terres & tenements dont son tenant (que tenust de luy en chiefe) morust seisie en son demesne cōse de fee, son heire adonque esteant de plein age: & ceo le roy prist en lieu des intire profits queux il poit prendre sil voit tanques livery soit sue, ou al meins tender. V. lestat. Prerog. Reg. cap. 3. & Stamf. fo. 11.

Prisage.

Prisage est ceo part ou portion que apperteine al Roy hors des tiel merchandizes queux sont prises al mere pervey de loyal prize. Et cest parol vous trovers en lestat. 31. Eliz. cap. 5.

Prisage des vins.

Prisage des vins mention en lestat. 1. H. 8. ca. 5. est un custom per, q le roy hors chescun barke lade ove vine south 40. Tunne, claime d'aver deux Tun a son prise demesne.

Privie ou privites.

Privie ou privites est lou un Lease est fait a tener a volunt, pur ans, pur vie, ou un feoffement en fee, & en divers autres cases, ore per cause de ceo que ad passe perenter ceux parties, ils sont appellus privies.

The Exposition of

vies, en respect de strangers, perenter queux nul tiel conveyances ad estre.

Auxy si soit Seignior & Tenaunt, & le Tenaunt tient del Seignior per certaine service, il y ad un privie perenter eux per cause de Tenure, & si le tenaunt soit disseise per un stranger, il ad nul privie perenter le disseisor & le Seignior, mes le privie uncore demurt perenter le Seignior & le tenaunt que est disseise, & le Seignior avowrer sur luy pur ceo que il est son tenant & droit & en le jugement del ley.

Privies sont en divers sortes, come nosmement, privies en estate, privies en fait, privies en ley, privies en droit, & privies en sanke.

Privies en Estate, est lou un Lease est fait del maner de Dale al A. pur vie, le remainder al B. en fee, la A. & B. sont privies en estate, car leur estates suet fait ambideux al un temps.

Et issint est en le primer case cy, ou un lease est fait al volunt, pur vie, ou ans, ou un feofment & fee, les lesses ou feoffees sont appel privies & estate, & issint sont leur heires, &c.

Privies en Fait, est lou un Lease est fait pur vie, & apres per un autre fait le reversion est graunt al un stranger en fee, cest grauntec del reversion est appel privie en Fait, pur ceo que il ad le reversion per Fait.

Privie en Ley, est lou il est

respect of strangers, between whom no such dealings or conveyances hath bene.

Also if there be Lord and tenant, and the tenant holdeth of the Lord by certain service, there is a privie between them because of the tenure, and if the tenant be disseised by a stranger, there is no privie between the Disseisor and the Lord, but the privie still remaineth between the Lord and the tenant that is disseised, and the Lord shall have upon him, for that he is his Tenant in right, and in the judgment of the law.

Privies are in divers sorts, as namely, Privies in estate, Privies in deed, Privies in law, Privies in right, and Privies in blood.

Privies in estate, is when a lease is made of the manner of Dale to A. for life, the remainder to B. in fee, there both A. and B. are Privies in Estate, for their estates were both made at one time.

And so it is in the first case here, where a lease is made at will for life, or years, or a feoffment in fee, the lessors or feoffors are called privies in estate, and so are their heires, &c.

Privies in Deed, is when a Lease is made for life, & afterward by another Deed the reversion is granted to a stranger in fee, this grantee of the reversion is called privie in Deed, because he hath the reversion by Deed.

Privie in Law, is when

Lord and tenant, the tenant lesseth the tenancy for life, or for years without heire, & the land escheates to the Lord. This is said by in Law, because he hath his estate onely by the Lord, that is to say, by escheate.

Prive in right, is where one hath of a terme for yeares, and he hath his estate to another on condition, and maketh his heirs, and dyeth, now these heirs are privies in right, for if the condition be broken, they enter into the land, they have it in the right of their ancestor, and to his use.

Prive of blood, is the heire of the feoffor or donor, &c.

Also if a fine be levied, the heirs of them that levied the fine are called Privies.

Priviledges.

Priviledges are liberties and franchises granted to an officer, place, towne, or manor, by the Kings great charter, letters patents, or act of Parliament: as Toll, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Ordelse, and divers such like, for which looke in the proper titles and places.

Proces.

Proces are the writs & precepts that go upon the original. And in actions reals & personals there be sundry sorts of proces, for in actions reals the proces is Graund Cape before appearance: Therefore see of this in the title Petit Cape.

Seigniour & tenant, il tenant lessa le tenancie pur vie & morust sauns heire, & le reverſion escheate al Seigniour, il est dit prive en ley, pur ceo que il ad son estate solement per la ley, cest adire, per escheate.

Prive en droit, est l'un possesse d'un terme p ans, grant a son estate al si auter sur condition, & fait les executors, & morust, ore ceux executors sont privies en droit, car si le condition soit infreint, & ils entrent in le terre, ils averont ceo en le droit de leur testator & a son use.

Prive de sanke, est le heire de le feoffor ou donor, &c.

Item si un fine soit levie, les heires de celui que levie le fine sont appel Privies.

Priviledges.

Priviledges sont liberties & franchises graunt al un office, lieu, ville, ou manor, per le grand charter del Roy, letters patents, ou act de Parliament: come Toll, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Ordelse, & divers tiels semblables, pur queux veies e leur proper titles & lieux.

Proces.

Proces sont les briefes & precepts que issuent sur le original. Et en actions reals & personals sont divers sorts de proces, car en actions reals le proces est Graund Cape devant appearance: Iden vide de ceo en le title Petit Cape.

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Mes en actions personals, come in det, trespasse, ou continue, le procès est un distresse, & si le Viscount retourne *Nihil habet in ballivo*, &c. donques le proces est *Alias Capias*, & *Pluries*, & un *Exigent*, & ils s'ot appelles *Capias ad respondendum*. Auxy l'*Exigent* sera cinq fois proclamies, & si le partie n'appare il sera urlage. Mes en divers actions sont divers maner de proces, que est plus a large declare la N. B.

Auxy sont divers auters proces apres apparence, quaut les parties sont al issue pur fair l'enquest apparear, come un *Venire facias*, & s'ils ne apparearont al jour donques un briefe de *Habeas corpora jurat*. & aps un brief de *Distringas jurat*.

Auxy sont divers auters proces apres judgement, com *Capias ad satisfaciendum*, & *Capias utlagatum*, &c.

Mes *Capias ad satisfaciendum* gist lou home est condemne en ascun det ou dammages, donques il sera arrest per cō brief, & mis en prison sans baile ou mainprise, tanque il ad pay le det & les dammages.

Mes *Capias utlagatum* gist lou un est unlage, donques il sera prise per tiel briefe, & mis en prison sans baile ou mainprise, pur ceo que il ad fait contempt encounter le ley.

Auxy sont auters proces & briefes judiciales, come *Capias ad valentiam*, *Fieri facias*, *Scire facias*, & plusors auters: & ideo vide ceux en leur titles.

But in actions personals, as in debt, trespass, or continuance, the proceſſe is a distresse, and if the Sheriffe returne *Nihil habet in balliva*, &c. then the proceſſe is *Alias capias*, and *Pluries*, and an *Exigent*, and they are called *Capias ad respondendum*. Also the *Exigent* shall be proclaimed five times, and if the party doe not appeare, he shall be outlawed. But in divers actions there are divers manner of proceſſes, which at large is declared in N. B.

And there were divers other proceſſes after apperance when the parties bee at issue to make the enquest appeare, as a writ of *Venire facias*, and if they dance not appeare at the day, then a writ of *Habeas corpora Jurat*. and after a writ of *Distringas Jurat*.

Also there are divers other proceſſes after Judgement, as *Capias ad satisfaciendum*, and *Capias utlagatum*, &c.

But *Capias ad satisfaciendum* lyeth where a man is condemned in any debt or damage, then he shall be arrested by this writ, & put in prison without bayle or mainpryse, till he hath payed the debt and the damages.

But *Capias utlagatum* lyeth where one is outlawed, then he shall be taken by this writ, and put in prison without bayle or mainpryse, for that he had the Law in contempt.

And there be other proceſſes & writs judiciales, as *Capias ad valentiam*, *Fieri facias*, *Scire facias*, and many other: and therefore looke for them in their titles.

Next

Next friend.

Next friend, is commonly taken for Gardian in Socage, & is where a man seised holden in Socage dyeth, & his wife within age of 14. years, then the next friend, or next of kinne, to whom the land cannot come or descend, shall have the keeping of the land, & of the land, to the only use of the heire, untill he come to the age of 14. yeares: And in that yeares he may enter the land out, & bring him to account: But in that accompt he shall be allowed for all reasonable costs & expences bestowed upon the heire or his land. The next friend or next of kinne, to whom the inheritance cannot descend, is thus to be understood: If the lands descend to the heire from his father, or from the kinne of his fathers, then the mother, or other next of kinne, to whom the inheritance cannot descend for because that it shall so descend, it shall rather escheat to the Lord whom it is holden. And it is to be understood that the lands come to the heire from his mother, or any of the kinne of his mothers side, then the father or other of the kinne are called the next friend, to whom the inheritance cannot descend, but shall rather escheat to the Lord of whom it is holden.

Procheine amy.

Procheine amy, est communement prise pur Gardian en Socage, & est lou un home seise de terres tenus en socage morust, son issue deins age de 14. ans, donques le procheine de sank a que les terres ne poient venter ou discender, avera le gard del heire, & del terre, al use seulement del heire, tanque il vient al age de 14. ans: Et donques a tiels ans le heire poit enter & luy ouste, & amesner luy de accomprer: Mes en cest accompt il avera allowance pur tous reasonable costs & expences bestow ou sur le heire ou son terre.

Et le procheine amy ou procheine de sank a que le inheritance ne poit discender, est issint destte entende: Si les terres discende al heire de son pere ou ascun del sank del part son pere, donques le mere, ou auter del part le mere, sont appellee procheine de sank, a que le inheritance ne poit discender, car devaunt que il issint discendra, il pluis tost escheat al Seignior de q il est tenus.

Et issint est destte entende lou les terres vient al heire de sa mere, ou ascun auter de sank del part sa mere, donque le pere ou auter del part son pere sont appellee le procheine de sank, a que le inheritance ne poit discender, mes pluis tost escheat al Seignior de que il est tenus.

Autrement *Procheine amy* est
 G g ecluy

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celuy que appiert en aucun Court pur un enfant que sue aucun action, & que ayde le enfant de poursuivre son suit: d'ot vede les statutes de *West. 1. c. 47* & *West. 2. cap. 15.* que un enfant ne poit faire Attourney, mes le Court poit admettre le procheiné amy pur le plaintiff, & un Gardian pur le enfant def. come son Attourney.

Procedendo.

Procedendo est un briefe, & gist lou asc' action est sue en un Court, que est remove a u plus hault, come al Chancery, banke le Roy, ou Common banke, per Briefe de privilege ou *Certiorare*, & si le defendant sur le matter monstre, nad cause de privilege ou si le matter en le Bill suit que le *Certiorare* issuit ne soit bien prove, donques le plaintiff arera cest briefe de *Procedendo*, pur remaunder le matter al primer base Court; & la destre determine.

Proclamation.

Proclamation est un notice apertuēt donec de ascen chose de q le roy soy pleisiot adadvertiser les subjects, issint il est use *An. 6. R. 2. ca. 6* *Proclamation de rebellion*, est u covert notice donec per le Officer, que un home nient apparant sur u *Subpœna* ou Attachment en le Star Chamber ou Chancery, terra reputé destre un rebel, si non q il luy mesme render al jour assigne. *Crom. l. 7. fol. 92.*

he which appeareth in any court for an infant which sueth any action, and ayde the infant pursue his suit: wherof see the Statutes of Westminster. 1. cap. 47 and Westminster. 2. cap. 15. that an infant may not make an attorney, but the Court may admit the next friend for the plaintiff and a Guardian for the infant def. as his Attorney.

Procedendo.

Procedendo is a writ which is issued where any action is brought in one Court, which is removed to a Court more high, as to the Chancery, Kings Bench, or Common Pleas by a writ of privilege or *Certiorare*, and if the defendant upon the matter shewed have no cause of privilege, or if the matter in the Bill wherupon the *Certiorare* issued be not well proved, then the plaintiff shall have the writ of *Procedendo*, for to send the matter unto the first Court, & there to be determined.

Proclamation.

Proclamation is a notice publicly given of any thing wherof the King thinketh good to advertise his subjects, as is used Anno 7. R. 2. c. 6. *Proclamation de rebellion*, is an open notice given by an officer, that a man not appearing upon a *Subpœna* or Attachment in the Star Chamber or Chancery shall be reputed a rebel, unless he render himselfe at the day assigned. *Crompt. Jurisd. 94.*

And it is to be noted, that no man may make Proclamation by authority of the King, or Maiors, and such like as have privileges in Cities and Boroughes so to doe, or have it by custom. And therfore where a person made Proclamation in certaine market townes, that the creditours shoulde come on a certaine day, & claime & pay their debts due by the testator, and because he did this without authority, he was committed to the Fleet and fined. Proclamation 10.

Prohibition.

Prohibition is a writ, and it is writ where a man is impleaded in the Spirituall Court of a thing that toucheth not matrimony nor testament, nor any other, but that toucheth the King's crowne, & this writ may be directed as well to the King, as to the Judge, or his Official, to prohibit them that they pursue no further. But if it appears afterward to the Judges temporall, that the matter is to be determined in the Spirituall court, & not in the Court temporall, then the party may have a writ of Consultation, commanding the Judges of the Court Spirituall to prosecute the first plea.

Propertie.

Propertie is the highest right that a man hath or can have in any thing, which no way dependeth upon another mans

Et est destre observe, q nul poit faire Proclamation mes per authority del Roy, ou Maiors, & hujusmodi que ont privileges en Cities & Boroughes de ceo faire, ou ont ceo use per custome. Et pur ceo ou si executor fist pclamation en certaine market Villes que les creditours veignera per certaine jour, & claime & provera lour dets due per le Testatour, & pur ceo que il ceo fist sauns auctoritey, il fuit commit al Fleet & mise a un fine. *Brook. Proclamation 10.*

Prohibition.

Prohibition est un briefe, & gist lou home est implede en Court Christian de chose que ne touch matrimonie ne testamēt, ne merement dīmes, mes que touch le corone nostre Seignieur le Roy, & cest brief serra direct auxy bien al partie come al Judge, ou son Official de eux prohibre q ils ne pursue ouster. Mes si il apparee apres a les Judges temporal, que le matter est destre determinee en le Spirituall court, & nemy en le Court Temporal, donque le party aver un briefe de Consultation, commaundant les Judges de le Court Spirituall de proceder en la primer plee.

Property.

Propertie est le pluis alt droit que home ad ou poit aver al ascun chose, que riens depend sur le courtesie d'aucun autre.
Gg 2

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ter home: Et ceo nullay en cest Realme poit estre dit dayer en aucun terres ou tenements, fors que solement le roy en le droit de son Corone, pur ceo que tous les terres per le Realme sont en le nature de fee, & tiendront mediatment ou immediatment del Corone. Cest parol nient obstant est use pur tiel droit en terres & tenements q̄ common persons ont en m̄. Et lasont trois maners de droitz d̄ p̄perty, cestascavoir, property absolute, property qualified, & p̄perty possessory, de flux vices alarge, *Cok. li. 7. Case de Swans. fol. 17.*

Proprietarie.

PROprietarie est celuy que ad un proprietie en aucun chose mes il est plus communement use pur luy que ad les profits dun benefice, a luy & ses heirs, ou a luy mesme & ses successeurs, come en temps par devant Abbots & Priors avoient a eux & leur successeurs.

Protection.

PROtection est un brief, & gift lou home voit passer ouster le mere in le service le Roy, donques il avera cest briefe, & per cest briefe il serra quite de tous maner des plees enter luy & aucun autre person, except plees de dower, *Quare impedit, Assise de Novel disseisin, Ultime presentationis, & Attaints*, & plees devant Justices en Eyre. Mes sont deux briefes de protection, un *Cum clausula*

curtesie: And this name in this kingdome can be said to have any lands or tenements but only the King in the right of his crowne, because that all the lands throught the Realme, in nature of fee, and hold mediately or immediately of the crowne. This word nehertheless is used for such right in lands & tenements as common persons have in the same. And there are thre manner of right of property, that is to say, property absolute, property qualified, and property possessory: Of which see at large, *Coke lib. 7. Case de Swans, fol. 17.*

Proprietary.

PROprietary is he that hath a property in any thing, but it is most commonly used for him who hath the profits of a benefice to him and his heirs, or to himselfe and his successors, as in times past Abbots and Priors had to them and their successors.

Protection.

PROtection is a writ, and lyeth where that a man will passe over the Sea in the kinges service, then he shall have this writ, and by this writ he shall be quit of all manner of pleas betwene him and any other person, except pleas of dower, *Quare impedit, Assise of Novel disseisin, Darrein presentment, and Attaints*, and pleas before Justices in Eyre. But there be two writs of Protection, one *Cum clausula*

voluntas, and another *voluntas*, and another *voluntas*, as appereth in the Register. Also a protection shall not be allowed any plea begun before the date of the Protection, if it be in voyages where the king's ship shall passe, or other voyages royal, or in messages of the king for affaires of the realme. A protection shall not be allowed for victuall bought for a voyage, whereof the protection maketh mention, nor in pleas of trespass, or of contracts made after the date of the Protection. But note, that any may attach begin any action real against him that hath such Protection, & therein proceed untill the defendant cometh and sheweth his protection in the Court, where it is allowed, & then his day shall go without day. If after it appereth that the party which hath the Protection goeth not about the affaires for which he hath it, then the demandant shall have a return thereof. And if he goe and come after the businesse ended, the demandant shall have a return to recontinue the action suit.

Protestation.

Protestation is a forme of pleading when any will not directly affirme, nor directly deny any thing that is alledged by another, or which he himself alledge. And it is in two sorts; One is when one pleadeth any thing which he dare not directly

voluntas, & l'autre *Cum clausula noluntas*, ut appierit é le register. Auxy Protection ne serra allow en aucun plee commence devant le date de la Protection, si ne soit en vyages ou le Roy mesme passa, ou autres vyages royaux, ou en message le roy pur besoignes de Realme. Auxy protection ne serra allow pur vitailles achates pur le voyage, dont le protection fait mention, ne in pleges de trespass, ou de contracts fait puis le date de mesme le protection.

Mes nota, que aucun poit attacher ou commencer aucun action real vers cestuy que ait tiel protection, & en ceo proceder tanq le defendant veign & monstre son protection en le Court, at ait ceo allow, & donque son plee ou suit serra mis sans jour. Mes si apres il appierit que le party que ad le protection ne ala entour le besoigne pur que il ait ceo, donques le demandant avera un repeale de ceo. Et sil va & retourne apres le besoigne finie, le demandant avera un resummons de recontinue le former suit.

Protestation.

Protestation est une forme de pleading quant aucun ne voit directement affirmer, ne directement denier aucun chose quel est alledge par autre, ou que il mesme alledge. Et est en deux maners; l'un est, quant un pleade aucun chose que il ne

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o last directment affirmer, ou
que il ne poit ceo pleader pur
doubt de fair son plee double :
Come si en conveying a luy
title al ascun terre, il doit plea-
der divers discents per divers
persons, & il n'ostast affirmer
que eux tous fueront seises
al temps de leur mort, ou com-
ment il ceo purroit, ceo serra
double a plead deux discents,
de queux ambideux chescun a-
per luy poit estre bone barre :
Donques le defendaunt doit
pleader & alleadger le matter,
enterlacing cest parol *protesta-
do*, come adire, que tiel obiit
(*protestando*) seise, &c. Et ceo
est destre alleadger per protesta-
tion, & nemy traversable per
l'auter. Auter protestation est,
quant un est de responder al
deux choses, & tamen per le
ley il doit plead forsque alun,
donques en le primer part del
plee, il dira al un matter, *prote-
stando & non cognoscendo*, cel
matter estre voyer, & faire son
plee ouster per ceux parols, *sed
pro placito dicit, &c.* & ceo est
pur salvation al partie (que i-
sint pleade per protestation)
destre conelude per ascun mat-
ter alleadger ou object encoun-
ter luy, sur que il ne poit joy-
mer issue : Et nest auter chose
mes un exclusion del conclusi-
on, car il que prist le protesta-
tion exclude l'auter partie de
concluser luy. Et cest protesta-
tion doit estoyer ove le sequel
del plee, & nemy destre repug-
nant, ou auterment contrarie.

affirmer, or that he cannot
it for doubt to make his
double : As if in conveying
himself a title to any land,
ought to plead divers descents
by divers persons, and he
not affirms that all they
seised at the time of their
or although he could do it,
he double to plead two descents
of both which every one by
seise may be a good barre :
the defendant ought to plead
alledge the matter, interlacing
this word *Protestando*, as to
that such a one dyed (by pro-
tation) seised &c. and that
be alledged by protestation,
not to be traversed by the other.
Another protestation is, when
one is to answer to two mat-
ters, & yet by the law he may
to plead but to one, then in the
first part of the plea, he shall
to the one matter, *Protestando*
and non cognoscendo, this mat-
ter to be true, and make his plea
further by these words, *Sed
pro placito dicit, &c.* and this
is for saving to the party (who
so pleadeth by protestation)
be concluded by any matter al-
ledged or objected against him
upon which he cannot journey
sue : And is no other thing but
an exclusion of the conclusion
for he that taketh the protes-
tation, excludes the other party
to conclude him. And this pro-
testation ought to stand with
the sequell of the plea, and not
to be repugnant, or otherwise
contrary.

Privision.

Provison.

Privision is used with us as it is in the Canon Law for providing of a Bishop or of Ecclesiasticall person of Ecclesiasticall living by the Pope before that he is incumbent of the dead, the abuse whereof the Pope appeares by all the statutes that have bene made since the time of E. 3. the reign of H. 8. for the avoiding of such privisions.

PROvision est use ovesq; nous come est eale Canon Ley pur le provider dun Evesque ou auter Ecclesiastical person dun Ecclesiastical benefice per le Pape devant q lincumbent de ceo soit mort, le grand abuse de que per le Pape appiert per tous les statutes que ont estre faits en tous ages del temps E. 3. tanque le reigne de H. 8. per le avoid des tiels privisions.

Proviso.

Proviso.

Proviso is a condition inserted into any deed, upon the performance whereof the validity of the deed consisteth, sometimes it is only a covenant, whereof Coke l. 2. in the Lord Cromwell's case. It hath also another signification in matters judicial, as if the Plaintiffe or Defendant desisteth in prosecution of an action, and bringeth it into tryall, then the Defendant or Tenant may take forth a *Venire facias* to the Sheriff, which hath in it these words, *Proviso quod*, &c. to this effect, that if the Plaintiffe taketh any writ to this purpose, the Sheriff shall summon hat one upon them both. See old *Curia Brevium* in the *Curia prius*, fol. 159.

PROviso est un condition ensert en aucun fait, sur le performance de q tout le vigour del fait consista, aucun foits il solement est un covenant, de que veies Coke l. 2. en le Seignior Cromwell's case. Il ad auxy un auter signification en choses judicial, come si le plaintiffe oudemaundant delaya de prosecuter un action, & ne ceo port al tryal, donque le defendaunt au Tenaunt poir prendre hors le *Venire facias* al Viscount, que ad en ceo ceux parols, *Proviso quod*, &c. a cest fine, que si le plaintiffe prist hors aucun brief a cel purpose, le Viscount ne gamera forsq; un Jurie sur eux ambideux. Veies veiel *Nat. Br.* en le brief *Nisi prius*, fol. 159.

Purchase.

Purchase.

Purchase is the possession that a man hath in lands or tenements by his owne act, meanes, bargainment, and not by title of

PURchase est le possession q un home ad en fres. o. tenements per son act demesne, means, ou agreement, & nemy

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per tite de discent de ascun d
ses auneestors. Veies Littleton,
lib. I. cap. I.

descent from any of his an-
cestors. See Littleton lib.
cap. I.

Purlue.

Purue est tout cest terre q
est procheinne ascun forrest
que esteant fait forrest per
Henry le second, Richard l' pri-
mer, ou Iean le Roy, fust per
perambulations grautus per
Henry le tierce seuer arere d'l
mesme Mounsiour Manwood
part 2. de ses forrest leys Capi.
20. Et semble que cest parol
est fait ou de pouralle, ceo est,
per ambulare, ou purelieu, ceo
est, purus locus, pur ceo q tiels
terres queux fueront per ceux
roys subject al leyes & ordi-
nances del forrest, sont james
cleire & franke del mesme :
Come les Civilians appel ceo
*purum locum qui sepulchrorum
religioni non est obstrictus*, & m le
maner ceo puit est appel pure
lieu p ceo q est exempt d'l ser-
vitude ou thraldome que fust
par devant sur ceo impose.

Purle home est cestuy que
ad terres deins le purlieu, &
esteant able a dispenser 40.
soulz per l'an de franktене-
ment, & sur ceux deux choses
licence de chaser en son pur
lieu demesne, M. Manw. pa. I.
pag. 151. & 177. V. le statute 1.
Jac. cap. 27.

Purpresture.

Purpresture est un parol de-
rive de Francois (*Pourpris*)
que signifie de prendre del
auter & pur appropriat a luy

Purlue.

Purue is all that ground whiche
is neare any forrest, whiche
being made forrest by Henry the
second, Richard the first, or King
John, were by perambulation
granted by Henry the third, re-
covered again from the same Ma-
ster Manwood part 2. of his for-
rest lawes, cap. 20. And it seem-
eth that this word is composed
either of pouralle, that is, to go
or walke about; or purlieu, that
is, a pure place, because these
such lands which were by these
Kings subjected to the lawes &
ordinances of the forrest, are
now cleared and freed from the
same: as the Civilians call this
A pure place, which is not subject
unto burials, so likewise this
may be called a pure place, be-
cause it is exempted from the
servitude and thraldome which
was formerly laid upon it.

Purle man is he that hunteth
lands within the purlieu, and
being able to dispense forty bul-
lings by the yeare of freehold
upon these two points licenced
to hunt in his owne purlieu.
Mast. Manwood part. I. p. 151.
& 177. See now the statute made
1. Jac. cap. 27.

Purpresture.

Purpresture is a word derived
from the French (*Pourpris*)
which signifies to take from
another and to appropriate to
himself.

mesme, and therefore a purpresture in a general sense is taken for any such wrong done by one man to another. Purpresture in a Forrest, is every encroachment upon the Forrest of the King. be it by building, inclosing, or using of any liberty without a lawfull warrant thereto. And of this see *M. M. in his For. lawes, c. 10. f. 74. a.*

mesme, & par ceo un purpresture en un general sens est prise par ascun tiel tort fait par un home al autre Purpresture en un Forest, est chescun encroachment sur le Forest le Roy, soit ceo per edifier, inclofer, ou pur user dascun libertie ou privileged sans un loyall garant issint faire. Et de ceo veies *M. Man. For. ley. c. 10. f. 74. a.*

Q.

Quale jus.

Q Vale jus is a writ, and it lyeth where an Abbot, Priour, or such other, should have judgment to recover land by the default of the tenant against whom the land is demanded, then before judgment given, or execution awarded, this writ shall go forth to the Escheator to enquire what right he hath to recover: And if it be found that he hath not right, then the Lord which should have the land, if the Tenant had aliened in Mortmain, may enter as into land aliened in Mortmain, for this losing by default is like to an alienation: See the statute Westm. 2. cap. 32.

But a writ Ad quod dampnum lyeth where one will give lands to a house of Religion, then this writ shall goe forth to the Escheatour, to enquire of what value the land is, & what prejudice it shall be to the King.

Q.

Quale jus.

Q Vale jus est un briefe, & gist lou ascun Abbot, Prior, ou tiels autres, averont judgment de recover terre per le default del tenant vers que le terre est demande, donque devant judgement done, ou execution agard, cest briefe issira al Escheator pur enquirer quel droit il ad a recover: Et si soit trove que il nad droit, donques le Seignior que cuist aver le terre, si le Tenant ust alien en Mortmain, poit enter come en Terre alien en Mortmain, car cel perdre per default est semblo a un alienation. Vide le statute Westmister le second, cap. 32.

Mes un Briefe de Ad quod dampnum gist lou si voile doner terres al maison de Religion, donques cest briefe issira al Escheatour, pur enquirer de que value le terre est, & quel prejudice il serra al Roy.

Que

The Exposition of

Qua plura.

Que plura est un briefe, que gist en case lou le Escheator ad trove un office *virtute officii* apres le mort le tenant le roy, & nad trove tous les terres des queux il morust seifie, adonques cest briefe issira en nature dun *Melius inquirendo*, pur trover queux terres il avoit plusors. Veies de ceo Fitz. N. B. fol. 255. a.

Quare ejecit infra terminum.

Quare ejecit infra terminum est un Briefe, & gist lou un fait Lease a un auter pur terme d'ans, & le lessour enfeoffa un auter, & le feoffee ousta le termour, donques le termour avera cest briefe vers le feoffee. Mes si un auter est raunger ouste le termour, donques il avera Briefe *Dejectione firme* vers luy. Et en ceux deux briefes il recovers le terme & ses damages.

Quare impedit.

Quare impedit est un briefe, & gist lou ico ay Advowson, & le Parson devie, & un auter presenta son Clerk, ou disturbe de presenter, donques ico avera le dit Briefe. Mes *Affise de darreine presentment* gist lou ico ou mon auncestours ount present devaunt. Et lou home poit avor *Affise de darreine presentment*, il poit aver un *Quare impedit*, mes nemy contrarie.

Qua plura.

Qvz plura is a writ that lies in case where the Escheator hath found an office after the death of the King's tenant. *Virtute officii*, and hath not found all the lands of which he died seised, then this writ shall issue in nature of a *Melius inquirendo*, to find what lands he had more. See of this Fitz. N. B. fol. 255. a.

Quare ejecit infra terminum.

Quare ejecit infra terminum is a writ, & it lieth where one maketh a lease to another for terme of yeares, & the lessor infeoffeth another, & the lessee putteth out the termour, then the termour shall have this writ against the feoffee. But if another stranger put out the termour, then he shall have a writ *Dejectione firme* against him. And in these two writs he shall recover the terme & his damages.

Quare impedit.

Quare impedit is a writ, and it lieth where I have an Advowson, and the Parson devie, and another presenteth his Clerk, or disturbeth me to present, then I shall have the said writ. But *Affise de darreine presentment* lieth where I or my ancestors have presented before. And where a man may have an *Affise de darreine presentment*, he may have a *Quare impedit*, but not contrariwise.

Also if the plee be depending between two parties and be not pleaded within sixe moneths, then the Bishop may present by writ, and he that hath right to present, shall recover his damages, as it appeareth by the statute of Westm. 2. c. 5. therefore by the statute. Also if he that hath right to present after the death of the Parson, and by him no Quare impedit, nor Darrein presentment, but suffereth a stranger to usurpe upon him, he shall have a writ of right of Advowson: But this writ hath not, unless he claime to the Advowson to him and his heires in fee simple.

Quare incumbravit.

Quare incumbravit is a writ, and it lyeth where two be in possession of the advowson, and the Bishop admitteth the Clerke of one of them within the vi. months, then he shall have the writ against the Bishop: But this writ lyeth alway longing the plee.

Quare intrusit matrimonio non satisfacto.

Quare intrusit matrimonio non satisfacto is a writ, and it lyeth where the Lord profereth a venable marriage to his heire, and he refuseth and enteth into the land, & marieth himselfe to another, then the Lord shall have this writ against him.

Auxy si le plee soit dependant entre deux parties, & ne soit discussé deins vi. moys, lorsque le Evesque presentera par laps, & cestuy que ad droit de present, recouvrera damages, come appiert par le statute de West. 2. cap. 5. ideo veies le statute. Auxy si cestuy que ad droit de presenter apres le mort del parson, & ne porta *Quare impedit*, ne *Darrein presentment*, mes suffer un estrange de usurper sur luy, uncore il avera un Brieve de Droit de Advowson. Mes cest brieve ne gist si il ne claime daver le advowson a luy & ses heires en fee simple.

Quare incumbravit.

Quare incumbravit est un brieve, & gist lou deux sont en plee pur l'advowson, & Levesque admit le Clerke de un de eux deins le sixe moys, donques il avera ceo brieve vers le Evesque. Mes ceo brieve gist tous foits pendant le plee.

Quare intrusit matrimonio non satisfacto.

Quare intrusit matrimonio non satisfacto est un brieve, & gist lou le Seignieur profera convenable marriage a son garde, & il refusa, & entra en le terre, & soy maria a un autre, donques le Seignieur avera cest brieve vers luy.

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Quare non admisit.

Quare non admisit est un brieve, & gist lou 'home ad recover un adrowson, & il manda son convenable Clerke al Evesque pur admit, & le Evesque ne voile luy recevoir, donques il averale dit brieve vers le Evesque. Mes brieve de *Ne admittas* gist lou deux sont en plee, si le plaintife suppose q' l' Evesque voit admit le Clerke le defendant, donques il poit aver cest brief al Evesque, luy commandant que il ne luy admitte pendant le plee.

Quarentine.

Quarentine est lou home devie seisie de un mannor place, & de auters terres, dont sa feme poit estre endow, donques le feme tiendra se en le mannor place, & la vive de le store & profits de ceo per quarant jours, deins quel teps sa Dower serra a luy assigne, come appiert en *Magna Chart. cap. 6.*

Quarels.

Quarels est derive a *Quarendo*, & extend non solement al actions cybien real come personal, mes auxy al causes de actions & suits, issint que p release de tous quarels non solement actions dependant en suit, mes causes de action & suit auxy sont release, & quarels, controversies & debates sont *Synonyma*, & de un mes-

Quare non admisit.

Quare non admisit is a writ, it lyeth where a man hath recovered an Adrowson, & he sendeth his convenable Clerke to the Bishop to be admitted, and the Bishop will not receive him, then he shall have the writ against the Bishop. But a writ of *Ne admittas* lyeth where two be in plee, if the plaintife suppose that the Bishop will admit the Clerke of the defendant, then he may have this writ to the Bishop, commanding him not to admit him hanging the plee.

Quarentine.

Quarentine is where a man dyeth seised of a manor place, and other Lands, which of the wife ought to be endowed, then the woman may abide in the Manour place, and there live of the store & profits thereof of the space of forty days, within which time her Dower shall be assigned, as it appeareth in *Magna Charta cap. 6.*

Quarels.

Quarels is derived from *Quarendo*, and extendeth not onely to actions, as well real as personal, but also to the causes of actions & suits, so that by the release of all quarels, not only actions depending in suit, but causes of action & suit also are released, and quarels, controversies & debates, are words of one sense, and of one and the same

me signification. Coke lib. 8.
fol. 153.

me signification. Coke lib. 8.
fol. 153.

Quid juris clamat.

Quid juris clamat is a writ, and lyeth where I graunt the reversion of my tenant for years of life by fine in the kings court, and the tenaunt will not attorne, then the grantee shall have this writ for to compell him to attorne. But a writ of *Quem redditum reddit* lyeth where I grant by fine a rent charge, or another rent which is not service, which my tenant holdeth of me, & the tenant will not attorne, then the grantee shall have this writ. Also a writ of *Per quod servicia* is in like case for rent service. Also if I grant four divers lands to one man, & the tenant of the land attourneth to the grantee by payment of a peny, & a halfe-peny in the name of attournement of all the rents, the attournement shall put him in seisin of all the rent. But these three writs ought to be sought against those which are tenants at the day of the note made, and against no other.

Fifreene.

Fifreene is a payment granted in Parliament to the King for the Tempozalty, namely, the fifth part of their goods, & was used in ancient time to be levied upon their Cattell lying in their grounds, which was very troublesome, therefore now for the most

Quid juris clamat.

Quid juris clamat est un briefe, & gift lou ieo graunt le reversion de mon tenant a terme devie per fine en Court le Roy, & le tenant ne voit atturner, donques le grantee avera cest briefe per luy chaser pur attourner. Mes bñe de *Quem redditum reddit* gift lou ieo grant per fine un rent charge, ou auter rent que nest rent service, quel mon tenant tient de moy, & le tenant ne voit attornner, donques le grantee avera cest briefe. Et briefe de *Per quod servitia* gift en semblable case pur rent service.

Auxy si ieo graunt iiii. divers rents a un home, & le tenaunt de terre attourna al grauntee per payment de un denier, ou un maille en nosme de attournement d̄ tous ceux rents, cest attornment luy mettera en seisin de tout cest rent. Mes ceux trois briefes covient estre port vers eux que sont tenants jour del note levie, & vers nul auters.

Quinzisme.

Quinzisme est un payment grant en Parliament al roy per les layes Gents, cestascavoir, le quinzisme part de leur biens: Et fuit use en ancient tēps destre levie sur leur ayers esteaunts en leur frē, q chose fuit mult troublous, & pur ceo a ore pur le plus part cest

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cest voy est alter, & ils use de lewie ceo per les verges ou acre ou auter mesure d'oterse. Per reason de q il est a ore meins troublous, & plus certaine q devant il fuit. Et chescun ville & pays seient quel somme est destte pay perenter eux, & comment ceo serra raise. Nous legemous que Moyses fuit le prin que number le peöple, car il number les Israclites, & pur ceo le primer Tax, Subsidie, Tribute, ou Quinzisme, fuit iävent per luy enter les Hebreües, come Polydore Virgil suppose.

Quod ei desorceat.

Quod ei desorceat est un brief, & gist lou tenant en taile, Tenaunt en Dower, ou Tenant a termé de vie, perde per default en ascun action, donques cestuy qui perde avéra cest briefe vers celuy que recouvrera, ou vers son heire, si il entendé que il avoit melior droit que il q recouvrera. Veies lestat. West. 2. c. 4.

Quod permittat.

Quod permittat est un briefe, & gist lou home est disseise de son common de pasture, & le disseisor alien ou devie seisie, & son heire entef, donques si le disseisee devle, s's heire avéra cest briefe.

Quo jure.

Quo jure est un briefe, & gist lou home ad ewe common de pasture en auter several de

part that way is altered, & they use to levy the same by the part or acre or other measure of land. By meanes whereof it is much lesse troublesome, and more certain than before it was. And every Towne and Country know what sum is to be paid among them, and how the same shall be raised. This reade that Moyses was the first that did number the people, for he numbered the Israclites, and the first tax, subsidy, tribute, or fifteenth, was invented by him among the Hebrewes, as Polydore Virgil doth thinke.

Quod ei desorceat.

Quod ei desorceat is a writ, and it lyeth where the tenant in the taile, Tenant in dower, or tenant for terme of life, hath by default in any action, that what loseth shall have this writ against him that recovered, or against his heire, if he shal be hath better right then he hath recovered. See the stat. West. 2. cap. 4.

Quod permittat.

Quod permittat is a writ, and it lyeth where a man is disseised of his common of pasture, and the disseisor alieneth or devie seised, & his heire entref, then if the disseisee die, his heire shall have this writ.

Quo jure.

Quo jure is a writ, and it lyeth where a man hath had common of pasture in another several

of late, within the time of
may, then he to whom be-
the feoffment. Shall have
and he shall be char-
to show by what title he
the common.

Quo minus.

Quo minus is a writ, & it ly-
eth where a man hath gran-
ted to another Housebote and
Heybote in his wood to take
any trees, & he that made the
grant maketh such waste and
destruction that the grantee can-
not have his reasonable esto-
vers, then the grantor shall have
the writ said writ, and it is in
the nature of a writ of waste.

And note that Housebote is
to mend certayne estovers to mend
the house: and Heybote certayne
estovers to mend heyres and
hedges.

And there is another writ cal-
led *Quo minus*, in the Exche-
quer, which any fermor, or deti-
nour to the king shall have against
another, for debt or trespass
in the Exchequer, in the Office
of the Common Pleas, by
which the plaint. shall surmise,
in the wrong which the
defendant doth to him, he is
not able to pay the king his
rent or ferme, which is surmi-
sed to give Jurisdiction to the
Court of the Exchequer: to
which determine the cause of
the suit betwene them, which
otherwise should be determined
in another Court.

darreine temps deins le temps
de memorie, donques celuy :
que appartient le feoffment, ave-
ra cest briefe, & il sera charge
de monstre per quel title il
clame le common.

Quo minus.

Quo minus est un briefe, &
gist lou home ad grantez a
un autre housebote & heybote
en son boys, a prendre chescun
an, & celuy que fesoit le grant
fait tiel wast & destruction
que le grantee ne poit aver
son reasonable estovers, don-
ques le grantee avera la writ
dit Briefe, & est en nature de
briefe de Waste.

Et nota, que Housebote est
appelle certeyne estovers pur
amender le maison : & Hey-
bote est certayne estovers pur
amender heyres & hedges.

Et est autre briefe appli-
Quo minus, en le Exchequer,
quel escun Fermor ou Deti-
tour al Roy avera vers aucun
autre, pur Debt ou Trespasse,
en le Exchequer, en le Office
appelle le Common Pleas, per
que le Plainiffe surmitera,
que pur le tort que le Defen-
dant fait a luy, il est meynes
able a payer le Roy son debt
ou ferme, quel est surmise a
doner Jurisdiction al Court
Dexchequer, doyer & ter-
miner la cause del suit en-
ter eux, quel autrement
serroit determine en autre
Court.

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Quo warranto.

Quo warranto est un brief, & gist lou home usurpe d'aucun franchise sur le Roy, donques le Roy avera cest Briefe, de faire luy venir devant ses Justices, per monstre per quel ticle il claime tiel franchise.

R.

Ransome.

Ransome signifie proprement ceo somme que est pay pur le redempcion dunque est prise captive en guerre, mes est auxy use pur li summes des deniers paye per le pardonner d'aucun grand offence, & illinc est use en lestatute de 1. Hen. 7. cap. 7. & en autres stat. Fine & Ransome alants ensemble: come en 23. Hen. 8. cap. 3. & aylors.

Rape.

Rape ad deux significations: Le primer est quant il est prise pur le part del Countrey, come Southsex est divide en sixe parts, q pur un peculiar nosme sont appel' Rape, Camden Britan. p. 225. & ceux parts en autres pais sont appel' Hundreds, Tythings, Lathes, ou Wapentakes.

En l'auter sensle il est le violent conufance dun feme encounter sa volunt, & cest offence est felony cybien en le

Quo warranto.

Quo warranto is a writ, & is peth where a man usurpeth to have any franchise upon the King, then the King shall have this writ, to make him to come before his Justices, for to shew by what title he claimeh such franchise.

R.

Ransome.

Ransome signifies properly the summe that is paid for the redeming of one that is taken captive in warre, but it is used also for a summe of money paid for the pardoning of some great offence, and it is used in the statute of 1. Hen. 7. c. 7. and in other statutes. Fine and Ransome going together: as in 23. Hen. 8. cap. 3. and elsewhere.

Rape.

Rape hath two significations: The first is when it is taken for the part of a Countrey, as Suffex is divided into six parts, which by a peculiar name are called Rape, Camden Britan. p. 225. and these parts in other Countreies are called Hundreds, Tythings, Lathes, or Wapentakes.

In the other sense it is the violent deflowering of a woman against her will, & this offence is felony, as well in the principal,

well as in his aydoys. See 11. Henry 4. cap. 13. 1. Edw. 4. c. 1. Wellm. 2. c. 13. Cromptons Justice of peace, f. 43. 44.

Rationabili parte bonorum.

Rationabili parte bonorum, is a writ that lyeth for the wife against the executors of her husband, to have the third part of his goods after debts payd, and all expences discharged. For if this writ both lye by the common law, or onely by the custom of some Countreies, it is a question in our bookes. See N. B. 122. L.

Rationabilibus divisis.

Rationabilibus divisis is a writ, & lyeth where there are two Lordships in divers shires, and one nigh the other, and parcels of one Lordship, of waist, hath bene encroched with parcels, then the said Lord from whom the parcell of waist or of waist hath bene incroched, shall have this writ against the Lord that hath so encroched.

Ravishment de gard.

Ravishment de gard, is a writ that lyeth for the guardian by his service, or in socage, against him that takes from him the body of his ward. And of this see Fitz. N. B. f. 140. E. &c.

Raunger.

Raunger comes from the French word Rang, (that

principal, come en les accessories. Veies 11. Henry 4. cap. 13. 1. Ed. 4. cap. 1. Westm. 2. c. 13. Cromp. lust. de peace, fo. 43. 44.

Rationabili parte bonorum.

Rationabili parte bonorum, Cest un briefe que gist pur un feme vers les executors sa baron, daver le teirce part de ses biens apres debts payes, & funereal expences discharged. Mes si cest briefe gisera al common ley, ou solement per le custome dascun pais, est un question en nostre livres. V. Fitz. N. B. 122. L.

Rationabilibus divisis.

Rationabilibus divisis est un briefe, & gist lou sont deux Seigniories en divers villes, & un pres de autre, & ascun parcel de un Seignory, ou de waist, ad este encroche per petits parcells, & donques celuy Seignior de que le parcell de terre, ou le waist, ad este encroche, avera cest briefe envers le Seignior que ad issins encroche.

Ravishment de gard.

Ravishment de gard, est un briefe que gist pur le gardien en chivalry, ou socage, vers cestuy que prist de luy le corps son gard. Et de ceo veies Fitz. N. B. fo. 140. E. &c.

Raunger.

Raunger venust del parol Francois (*Range*, id est, *Hh* *ordo*,

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or do vel series) & signifie un Officer del Forest que est appointe se pourmener chescun jour p le purlieu, dont il est le Raunger, pur rechaser les feres hors ceo en le Forest arere, de veier, oyer, & enquire des offendors la, & de presenter lour offences. Veies *Marywood cap. 20. fol. 185. &c.*

Rebutter.

REbutter est quant un per fait ou fine grant de garantir ascun terre ou hereditament a un autre, & cestuy q fist le garrantie, ou son heire, sua celuy a que le garrantie est fait, ou son heire, ou assignee, si celuy que issint sue, pleade encounter cestuy q sua le dit fait ou fine ove garrantie, & demand judgement, si encont ceo garrant le plaintife serra receve a demaunder le chose que tl doit garrant, encont cel garrantie, per le fait ou fine avaunt dist, compenant tiel garrantie, tiel pleade en garrantie est appelle un *Rebutter*.

Recaption.

REcaption est un second distresse dun que suit aufoits distrein devant pur mesme le cause, & ceo durant le plea ground sur le former distresse. Est auxy le nosme del brieve ou remedy que le ley done pur cestuy que est issint deux foits distrein pur un chose: le forme & used quel brieve poies veier en *Fitz A. B. fo 71. E. &c.*

is; ordo, vel series) & it signifies an officer of the forest, that is appointed to walke every day thorow the purlieu, whereof he is Raunger, to drive backe the wilde beasts into the forest againe, to see, heare, and inquire of offenders there, & to present their offences. See *Manwood, c. 20. f. 185. &c.*

Rebutter.

REbutter is when one by deed or fine grants to warrant any land or hereditament to another, and he which made the warranty, or his heire, sue him to whom the warranty is made, or his heire, or assignee for the same thing: now if he which is so sued pleaderth against him that sued the said deed or fine with warranty, and demand judgment, if the Plaintiff shall be received to demand the thing which he ought to warrant against that warranty by deed or fine aforesaid, comprehending such warranty, such pleading of the warranty is called a *Rebutter*.

Recaption.

REcaption is a second distress of one formerly distressed for the selfe same cause, and during the plea grounded upon the former distress. It is also the name of the writ or remedy that the Law gives for him that is thus twice distressed for one thing: the forme & use of which writt you may see in *Fitz. N. B. f. 71. E. &c.*

Recluse.

Recluse.

Recluse is one that by reason of his order in Religion may not stirre or depart out of his house or cloister: and of such one Littleton speaks, Sect.

Recordare.

Recordare is a writ directed to the Sheriffe, to remove a cause out of an inferiour court, as a Court of ancient demesne, hundred court, or County Court into the Kings bench, or Common Pleas. And of this see N. B. 70. B.

Redisseisin.

Redisseisin. Looke of that be-
happeth in the title Alike.

Regarder.

Regarder comes of the French (regardeur, id est, spectator) and signifies an Officer of the Kings Forrest, that is sworn to take care of the Vert and Venison, & to view and inquire of all the offences committed within the Forrest, and of all concealments of them: and of all the Officers of the Forrest he will execute their offices by the Manw. Forrest Lawes, an. l. 191. b.

Regrator.

Regrator is he that hath care, of animals, or other things necessary for his owne necessities, occupation, or spending, and doth nevertheless in-

Recluse.

Recluse est cestuy que par le reason de son order en religion ne poit mover ou departer hors de son meason ou cloister: Et dun tiel Littleton parle sect. 434.

Recordare.

Recordare est un brief direct al Viscount pur remove un cause hors duh inferiour court, come court delancient demesne, Hundred Court, ou County Court, en Banke le Roy, ou Common banke. Et de ceo veies Fitz N. B. fo. 70. B.

Redisseisin.

Redisseisin. Veies de ceo devant en le titre de Alike.

Regarder.

Regarder venust d'l Francois (regardeur, id est, spectator) & signifie un Officer del Forrest le Roy, que est jure de prendre le regard del Vert & Venison, & de veier & inquire des tous offences commises deins le Forrest, & des tous les concealments d'eux: & si tous les Officers del Forrest bien executont leur offices ou nemy. Veies Manw. fo. leyas, cap. 21. fo. 191. b.

Regrator.

Regrator est celuy que ad blees, victuals, ou auters choses sufficient pur son necessary oeps, occupation, ou expences, & nient obstant en-
H h 2
grosse

The Exposition of

grosse & achate en ses mains plus blees, victuals, ou autres tielx choses, al intent de vend ceo arere al un plus hault & chare price, en faïres, markets, ou tiels semblable lieux: de q̄ veies lestat 5. E. 6. c. 14. car il serra punie come Forestaller.

Rejoinder.

REjoinder est quant le defendant fait respons al replication del plaintife.

Et chescun rejoinder doit aver ceux deux properties specialment, cestascavoir, il doit estre sufficient respons ad replication, & auxy de subsequer & enforce le matter del barre.

Relation.

RELATION est un terme en ley, lou en consideration del ley deux temps ou autres choses sont consideres tielment come si fueront tout un, & per ceo le chose subsequent est dit de prendra son force per relation al temps precedent: sicome un deliver un escript al un destre deliü al autre, come fait cestuy q̄ ceo deliver, q̄nt l'autre a que serroit deliver, ad pay ascun somme de money, ore quant le money est pay, & lescript deliver, ceo serra reputé come fa it cestuy que ceo delivera al temps quant fuit primes delivera. Et issint petitions de parliamēt, as queux le roy assent al darreine jour de Parliamēt, averont relation & prendront leur force del prim jour del commencement

grosse & buy up into his hands more cozge, victuals, or other such things, to the intent to sell the same againe at a higher and better price, in faïres, markets, or other such like places, whereof see the stat. 5. E. 6. c. 14. for he shall be punished as a forestaller.

Rejoinder.

REjoinder is when the defendant maketh answer to the replication of the plaintife.

And every rejoinder ought to have these two properties specially, that is, it ought to be a sufficient answer to the replication, & also to follow and enforce the matter of the barre.

Relation.

RELATION is a tenure in law, where in consideration of law two times or other things are considered so as if they were all one, & by this the thing subsequent is said to take his effect by relation at the time preceding: as if one deliver a writing to one to be delivered to another, as the deed of him who delivered it, when the other to whom it should be delivered hath paid a summe of money, now when the money is paid, and the writing delivered, this shall be taken as the deed of him who delivered it, at the time when it was first delivered. And so petitions of Parliamēt to which the King assents on the last day of Parliamēt, shall relate and be of force from the first day of the beginning of

del Parliament. And so it is of
other like things.

Release.

Release is the giving or dis-
charging of the right or acti-
on which any hath or claimeth
against another, or his land.

And the release of right is com-
monly made when one maketh
known to another by these or the
like words, Remised, released,
and wholly for me and my heires
I have claimed to A.B. all my right
that I have, or by any meanes may
have hereafter, in one messuage,

But these words (whatsoever
I may have hereafter) be
not good: for if the father be dissei-
sed, the son release by his deed
without warrant, all
ought, by these words, (what-
soever I may have hereafter, &c.)
the father dyeth, the sonne
may lawfully enter in the pos-
session of the disseisor.

Also in a release of right it is
enough that he to whom the
release shall be made, have a
right or a possession in the
land in deed or in law, or a re-
version at the time of the release
made, for if he have nothing in
the land at the time of the release
made, the release shall not be to
him available. See more hereof
in Linderon. l. 3.c. 8.

Reliefe.

Reliefe is sometimes a certain
summe of money that the
tenant shall pay to the Lord of
whom those lands are holden,
which after the decease of his

del Parliament. Et issint est de
divers auts choses semblables.

Release.

Release est le done ou dis-
charge del droit ou action
que ascun eyt ou claime evers
auter, ou son terre.

Et le release de droit est co-
munement fait quaut un fe-
soit un fait a un auter p ceux
ou tiels parols, *Remisise, re-
laxasse, & omnino pro me & he-
red' meis quiet' clamasse*. A.B. *to-
tum jus meū quod habui, habeo,
seu quovismod' in futuro habere
potero, in uno messuagio, &c.*
Mes ceux parols (*quovismodo
habere potero*) sont voids: Car
si le pere soit disseisne, & le fits
release p son fait d' release, sans
garrantie de tout son droit, per
ceux parols (*quovismodo in fu-
turo habere potero, &c.*) & l' pere
morust, le fits poit loyallment
sur le possession le disseisor.

Auxy en un release de droit
il covient que il a que le Re-
lease serra fait, ad un frankte-
nement ou possession en les ter-
res en fait ou en ley, ou un re-
version al temps del release
fait, car. si il nad riens en le terre
al temps de release fait, le re-
lease ne serra a luy available.
Veies plus de ceo *Littleton l. 3.c.p. 8.*

Reliefe.

Reliefe est ascun foits un cer-
taine summe de money que
le heire payera al Seignior de
que ceux terres sont tenus,
queux apres le decease de son
H h 3 Auncest-

The Exposition of

Auncestor fount a luy dis-
 cende, come procheine heyre.
 Ascun foirs il est le payment
 d'un auter chose, & nemy mo-
 ney: Et pur ceo reliefe nest
 certaine, & semblable pur tou-
 tes Tenures, mes chescun sun-
 dry Tenure ad (pur le plus
 part) son special reliefe cer-
 taine en luy mesme. Neque est
 ceo destre paye tous foirs al
 un certain age, mes il varie en
 ceo auxy accordast al tenure.
 Come si le Tenaunt ad terres
 tenus per service de Chivaler,
 (forspris Grand Serjeantie) &
 morust, son heire esteaunt de
 pleine age, & tient ses Terres
 per le service d'un entier fee d'
 Chivaler, le Seignieur de que
 ceux terres sont issint tenus,
 avera del heire C. s. *Nomine re-*
levii, & si il tient per meins q'
 un fee de Chivaler, il payera
 meins, & si plus, donqs plus,
 aiant respect tous foirs al rate
 pur chescun fee de chivaler un
 cent soulz. Et si tient per grad
 Serjeantie (que est toutes foirs
 del roy, & est auxy service de
 chivaler) donqs le reliefe serra
 le value del terre p an, preter
 toutes charges issuat hors de c'.
 Et si le terf soit tenus en petit
 Serjeantie, ou en socage, donqs
 pur le reliefe le heire payera
 al un foires taunt que il doit
 payer annuelment pur son
 service, quel est communement
 appelle le doubling del rent.

Auxy si un home tient de le
 Roy en chiefe, & des auters
 Sñrs, le roy avera le garde de
 tous les tñs, & le heire payera

auncestro are to him deliv-
 next heire. Sometmes it is
 payment of another thing, in-
 not money: And therefore
 Reliefe is not certaine, & altho
 all Tenures, but every Tenure
 Tenure hath (for the most part)
 his special Reliefe certain
 it selfe. Neither is it to be
 alwayes at a certaine age,
 varyeth therein also accord-
 to the Tenure. As if the
 naunt have Lands holden
 Knights service (except
 Serjeanty) and dyed, his
 being at full age, and he
 Lands by the service of
 Knights fee, the Lord of
 these Lands are so holden,
 have of the heire an hundred
 shillings in the name of
 Reliefe; and if he held by
 a Knights fee, he shall pay
 and if more, then more, being
 respect alwayes to the rate
 every Knights fee C. s. But
 if he held by Grand Serjeanty
 (which is alwayes of the King
 and is also Knights service)
 then the Reliefe shall be the
 value of the land by the year, be-
 fore all charges issuing out of
 the same. And if the lands be
 holden in Petit Serjeanty, or
 in Socage, then for the Reliefe
 the heire shall pay at one time
 as much as he ought to pay
 yearly for his service, which is
 commonly called the doubling
 the rent.

And if a man hold of the King
 in chiefe, and of other Lords the
 King shall have the ward of
 all the lands, and the heire shall

reliefe to all the Lordes at
his full age: but the Lordes shall
be to the King by petition, and
shall have the Rent for the time
the Infant was in ward.

But see now that by the Stat.
2. E. 6. c. 8. the meine Lordes
are not put unto their petition,
but shall have all the rents paid
by the Kings Officers
request yearly during the
Infants possession.

I note, that alwayes when
reliefe is due, it must be
by one whole payment, and
not by parts, although that the
rent is to be paid at severall
feasts.

Remainders.

A remainder of land, is the land
that shall remaine after the
particular estate determined: As
if I grant land for terme of
years, or for life, the remain-
der is J. S. that is to say, that
when the lease for yeares is de-
termined, or lessee for life is
dead, that then the land shall re-
maine, shall be, or abide with, to,
or in J. S. See Reversion.

Remembrancer del Eschequer.

Remembrancer del Eschequer,
there are three Officers or
Clerkes there called by the
name, one is called a remem-
brancer of the King, the other
of the Lord Treasurer, and the
third of the first fruits.

The Kings remembrancer
dwelleth in his office all recogni-
sances for the Kings debts, ap-

reliefe a tous les Seigniors a
son plein age, mes les Sgrs sue-
ra al roy per petition, & paye-
ra le rent pur le temps que le
enfant suit engarde.

Mes veies ore que p lestar,
de 2. E. 6. cap. 8. les meine Sñrs
ne sont mises a leur petition,
mes averont tous les rents as
eux payes p les officers le roy
sur request annuelment durāt
le possession le Roy.

Et nota, que tous foirs quāt
le reliefe est due, il doit este
pay al un entier payment, &
nemy per parts, nient obstant
que le rent soit deste pay al
several feasts.

Reminders.

REmainder de Terre, est le
terre que remainera apres
le particulier estare determine:
Come si un grant terre pur
terme de ans ou pur vie, le re-
mainder al I. S. cest adire que
quaunt le lease pur ans est de-
termine, ou le Lessee pur vie
est mort que donques le terre
remainera, serra, ou abide, ove,
al, ou en I. S. Veies Reversion.

Remembrancer del Es- chequer.

REmembrancer del Eschequer,
la sont trois Officers ou
Clerkes la appel p tiel nomme,
l'un est appel le remembracer
del roy, l'autre del Seignior
treasurer, & le tierce del pri-
mer fruits.

Le remembrancer del Roy
entier en son office tous recog-
nizances pur les debts le Roy,
H h 4 apparances

The Exposition of

apparances, & pur observer orders auxy il prist tous obligations pur ascun des debts le Roy, pur apparances, & observances de orders, & fist proces sur eux pur l'enfreinder de eux.

Le remembrancer del Seignior treasurer fist proces vers tous Viscounts, Eschetors, Receivers, & Baylifes, pur lour accounts: il fist le proces de *Fieri facias*, & extet pur ascun debts due al Roy, ou en le pipe ou ove les auditors, & il fist proces pur tout tiel revenue q̄ est due al Roy per reason de ses Tenures.

Le remembrancer de les primer fruiſts prist tous compositions, pur primer fruiſts & dismes, & fait proces evers ceux que ne pas paya mesme. De ceux officers veies pluis en le liure del office & authority de Viscounts, darreinment es-crie per M. Dalton fol. 136.

Remitter.

Remitter est qu'aunt un home ad deux titles a ascun terre, & il vient al terſ per le darrein title, uncore il serra adjudge eins pforce de son pluis eigne title, & ceo serra dit a luy un Remitter: Come si tenant en le taile discontinue le taile, & puis disseise son discontinuee, & morust ent seise, & les terres descendont a son issue ou cosin enheritable per force al taile, en ceo case il est en son Remitter, cestascavoir, seise per force del taile, & le title

parances, and for obſerving of orders: also he taketh all obligations for any of the things debts, for apparances and obſervances of orders, and maketh out proces upon them for the breaking of them.

The Lord treasurers remembrancer maketh out proces against al Sherifes, Escheatours, Receivers, & Baylifes, for their accounts: he makes the proces of *Fieri facias*, & extent for any debts due to the King, either in the Pipe, or with the Auditors, & he maketh proces for all such revenue as is due to the King by reason of his Tenures.

The remembrancer of the first fruiſts taketh all compositions for first fruiſts & tithes, and maketh proces against such as pay not the same. Of these Officers see more in the booke of the office and authority of Sherifes, lately written by M. Dalton, fol. 136.

Remitter.

Remitter is when a man hath two titles to any land, and he cometh to the land by the last title, yet he shall be judged in by force of his elder title, and that shall be said to him a Remitter: As if the tenant in the taile discontinue the taile, and after disseiseth his discontinuee, and dyeth thereof seised, & the lands descendeth to his issue or cosin inheritable by force of the taile, in that case he is in his Remitter, that is to say, seised by force of the taile, & the title

if the discontinuance is utterly annulled & defeated, & the reason and cause of such remitter is such that that such an heire is tenant of the land, and there is a person tenant, against whom he may sue his writ of Forfeiture, for to recover the estate, for he may not have an action against himselfe.

Also if a tenant in the tail be issue his son or heire apparent in the tale, which is a third age, and after dyeth, that is a remitter to the heire: but if he be of full age at the time of his feoffment, it is no Remitter, for that that it was his land, that he being of full age, would take such a feoffment.

Also if the husband alien lands that he hath in the right of his wife, and after take an action againe to him and to his wife, for terme of their liues, that is a Remitter to the woman, for that that this alienation is the act of the husband & not of the woman, for no folly may be adjudged in the woman during the life of her husband.

But if such alienation be by writ in Court of Record, such a thing againe afterward to the husband & wife for terme of their liues, shall not make the woman remitter in her Remitter, for that in such a fine the woman shall be examined by the Judge, & such examination in fines shall extend to such women for ever.

Also when the entry of any writ is lawful, and he taketh

del discontinuance est ousterment auient & defere. Et le reason & cause de tiel remitter est, pur ceo que tiel heire est tenant del terre, & nest aucun person tenant, vers que il poit suer son brieve de Formedon pur recover le estate taile, car il ne puit aver action vers luy mesme.

Auxy si Tenant en le tayle enfeoffa son fitz ou heyre apparent en le tayle que est deins age, & puis devie, ceo est un remitter al heire: Mes si il fuit de pleine age al temps de tiel feoffment, il nest remitter, pur ceo que il fuit son folly, que il esteunt de plein age, voile prendre tiel feoffment.

Auxy si le baron alien terre que il ad en le droit son feme, & puis repist estate a luy & a son feme pur terme de leur vies, ceo est un remitter al feme, pur ceo que cest alienation est le acte le baron, & nemy l'acte de la feme, car nul folly poit estre adjudge en feme durant le vie le baron.

Mes tiel alienation soit per fine en Court de Record, tiel reprisell apres al baron & feme pur terme de leur vies, ne serra la feme destre en la Remitter, pur ceo que en tiel fine la feme serra examinee per le Judge, & tielx examinations en fines excluderont tiels femmes a tous jours.

Auxy quaut le entre de aucun home est congeable, & il

The Exposition of

apparances, & pur observer orders auxy il prist tous obligations pur aucun des debts le Roy, pur apparances, & observances de orders, & fist proces sur eux pur l'enfreinder de eux.

Le remembrancer del Seignior treasurer fist proces vers tous Viscounts, Eschetors, Receivers, & Baylifes, pur leur accounts: il fist le proces de *Fieri facias*, & extet pur aucun debts due al Roy, ou en le pipe ou ove les auditors, & il fist proces pur tout tiel revenue q̄ est due al Roy per reason de ses Tenures.

Le remembrancer de les primer fruiſts prist tous compositions, pur primer fruiſts & dismes, & fait proces envers ceux que ne pas paya mesme. De ceux officers veies pluis en le liure del office & authority de Viscounts, darreinment eserie per M. Dalton fol. 186.

Remitter.

Remitter est quante un home ad deux titles a aucun terre, & il vient al terſ per le darrein title, uncore il serra adjudge eins pforce de son pluis eigne title, & ceo serra dit a luy un Remitter: Come si tenant en le taile discontinua le taile, & puis disseise son discontinuee, & morust ent seise, & les terres discedont a son issue ou cofin enheritable per force al taile, en ceo case il est en son Remitter, cestascavoire, seise per force del taile, & le title

parances, and for observing of orders: also he taketh all obligations for any of the Kings debts, for apparances and observances of orders, and maketh out proces upon them for the breaking of them.

The Lord treasurers remembrancer maketh out proces against al Sherifes, Escheatours, Receivers, & Baylifes, for their accounts: he makes the proces of *Fieri facias*, & extet for any debts due to the King, either in the Pipe, or with the Auditors. & he maketh proces for all such revenue as is due to the King by reason of his Tenures.

The remembrancer of the first fruiſts taketh all compositions for first fruiſts & tithes, and maketh proces against such as pay not the same. Of such Officers see more in the booke of the office and authority of Sherifes, lately written by M. Dalton, fol. 186.

Remitter.

Remitter is when a man hath two titles to any land, and he cometh to the land by the last title, yet he shall be judged in by force of his elder title, and that shall be said to him a Remitter: As if the tenant in the taile discontinue the taile, and after disseiseth his discontinuance, and dyeth thereof seised, & the lands descendeth to his issue or cofin inheritable by force of the taile, in that case he is in his Remitter, that is to say, seised by force of the taile, & the title

of the discontinuance is utterly
annulled & defeated, & the rea-
son and cause of such remitter
is that that such an heire is
tenant of the land, and there is
a person tenant, against whom
he may sue his writ of For-
feiture, for to recover the estate
back, for he may not have an ac-
tion against himselfe.

Also if a tenant in the tails
marries his son or heire appa-
rent in the tale, which is a thir-
d age, and after dyeth, that is a
remitter to the heire: but if he
was of full age at the time of
his feoffment, it is no Remit-
ter, for that that it was his
son, that he being of full
age, would take such a feoffe-
ment.

Also if the Husband alien-
eth that he hath in the right
of his wife, and after take an
other againe to him and to his
wife for terme of their liues,
that is a Remitter to the wo-
man, for that that this aliena-
tion is the act of the husband &
not of the woman, for no folly
may be adjudged in the woman
during the life of her husband.

But if such alienation be by
the Court of Record, such a
thing againe after ward to the
husband & wife for term of their
liues, shall not make the woman
within her Remitter, for that in
such a fine the woman shall be
examined by the Judge, & such
examination in fines shall ex-
clude such women for ever.

Also when the entry of any
man is lawful, and he taketh

del discontinuance est quater-
ment anient & defere. Et le
reason & cause de tiel remitter
est, pur ceo que tiel heire est
tenant del terre, & nest aucun
person tenant, vers que il poiz
suer son brieve de Formedon
pur recover le estate taile, car
il ne puit aver action vers luy
mesme.

Auxy si Tenant en le tale
enseoffa son fitz ou heyre ap-
parent en le tale que est de-
ins age, & puis devie, ceo est
un remitter al heire: Mes si il
fuit de pleine age al temps de
tiel feoffment, il nest remit-
ter, pur ceo que il fuit son
folly, que il esteaunt de plein
age, voile prendre tiel feoff-
ment.

Auxy si le baron alien ter-
re que il ad en le droit son
feme, & puis reprist estate a
luy & a son feme pur terme
de leur vies, ceo est un re-
mitter al feme, pur ceo que
cest alienation est le acte le
baron, & nemy l'acte de la
feme, car nul folly poiz esta
adjudge en feme durant le vie
le baron.

Mes tiel alienation soit per-
fine en Court de Record, tiel
reprisell'apres al baron & feme
pur terme de leur vies, ne ser-
ra la feme destre en sa Remit-
ter, pur ceo que en tiel fine la
feme serra examine per le
Judge, & tielx examinations
en fines excluderont tiels
femes a tous jours.

Auxy quaut le entre de as-
cun home est congeable, &
il

The Exposition of

il prist estate a luy quant il est de plein age, si ne soit per fait indent, ou matter de record, que luy estoopera, ceo serra a luy bone Remitter.

Rents.

Rents sont en divers maners cestascavoire, rent service, rent charge, & rent secke.

Rent service, est lou le tenant en fee simple tient sa terri de son Seignieur per fealtie & certaine rent, ou per autre service & rent, & donques si le rent de le Tenant soit arere, le Seignieur poit distraine pur le rent: Mes pur ceo il jamais navera action de debt.

Auxi si leo done terres en le taile a u home payat a moy certaine rent, ore tiel rent est rent service: Mes en tiel case il coviēt q le reversion soit en le donour: Car si home fait feoffment en fee, ou un done en taile, le remainder ouster en fee, sans fait, reservant a luy un rent, tiel reservation est voyde, & ceo est per force del statute *Quia emptores terrarum*, & donq's il tiendra de le Seignieur de que son doner tenoit.

Mes si home per fait indent a cel jour fait tiel done en le taile, le remainder ouster en fee, ou lessie pur terme de vie, le remainder ouster, ou un feoffment, & permesme l'indenture, reserva a luy un rent, & que si le rent soit arere, que bien liroit a luy a distrainer, ore tiel rent est rent charge.

Mes en tiel case, si la ne soit

an estate to him when he is of full age, if it be not by deed indented, or matter of record, which shall estop him, that he be to him a good Remitter.

Rents.

Rents be in divers maners, that is Rent service, Rent charge, and Rent secke.

Rent service is where the tenant in fee simple holdeth his land of his Lord by fealty and certain rent, or by other service and rent, and then if the Rent of the Tenant be behinde, the Lord may distraine for the rent, but for that he shall not have action of debt.

Also if I give land in fee to a man, paying to me certain rent, then such rent is rent service: But in such case it behoveth that the reversion be in the donour: For if a man make a feoffment in fee, or a gift in taile, the remainder over is without deed, reserving to him a certain rent, such reservation is voyde, & that is by the statute *Quia emptores terrarum*, & then he shall hold of the Lord whom his donour held.

But if a man by deed indented at this day make such gift in taile, the remainder over is in, or lease for terme of life, the remainder over, or a feoffment, and by the same Indenture reserve to him rent, and that if the rent be behinde, that shall be lawful to him to distraine, for such rent is rent charge.

But in such case, if there be

any such clause of distresse in the deed, then such rent is called a rent seck, and for such rent he shall never distraine, he shall have assise, & if he were not assise, he is without remedy.

And if one graunt a rent going out of his land, with clause of distresse, that is rent charge, and the rent be behind, the graunter may chuse to distraine or sue for the rent of Annuity, but he cannot have both, for if he bring a writ of Annuity, then the land is discharged. And if he distraine & avow the taking in the Court of Record, then the land is charged, and the person of the grantor discharged.

Also if one graunt a Rent charge, and the graunter purchase with halfe, or any other part of the land, of what-so-ever small value it be, then all the rent is extinct.

But in Rent service, if the land purchase parcell of the land, then the rent shall be apportioned.

But if one hath a rent charge, and his father purchase parcell of the land, & that parcell descendeth to the son which hath the Rent charge, then the rent shall be apportioned according to the value of the land, as it is in Rent service, for that that is common to that not by purchase as, but by descent.

Also if I make a lease for years reserving to me a certain rent, that is called a Rent service, and for that it is

aucun tiel clause de distresse en le fait, donques tiel rent est appel rent seck, & par tiel rent secke, il ne jammais distraignera, mes si suit un foits seise, il avera assise, & si il jammais ne suit seise, est sans remedy.

Auxy si un graunt un rent issuant hors de la terre ove clause de distresse, cest u rent charge, & si le rent soit arriere, le grantee poit essier de distraigner ou suer un brieve d'annuity, mes il ne poit aver ambideux, car sil port brieve de Annuity, donques le terre est discharge. Et si il distraint & avow le prisel en Court de record, donqs le terre est charge, & le person del grantor discharge.

Auxy si un graunt un Rent charge, & le grantee purchase le moitie, ou ascun autre part ou parcell de le terre, de quelque petit value q il soit, donqs tout le rent est extinct.

Mes en rent service, si le Seignieur purchase parcell del terre, donques le rent serra apporcion.

Mes si un ad un rent charge, & son pere purchase parcell del terre, & cel parcell discede a le fitz que ad le rent charge, ore cel rent serra apporcion solonque le value dell terre, come est dit de rent service, pur ceo que le fitz ne vient a ceo per son act. demesne, mes per descent.

Auxy si lico face un lease pur terme d'ans, reservant a moy un certaine rent, cest appel un rent service, & pur ceo il est

The Exposition of

est a mon liberry a distraire p
le rent, ou aver un action de
det, mes si le lease soit deter-
mine, & le rent soit arere, don-
qs ieo ne puisse distraire, mes
serra mis a mon action de det.

Et nota, que si le Seignior
soit seisie des services & rent
avaundits, & ils soyent ade-
rere, & il distraine, & le te-
nant rescue le distresse, il poit
aver Assise, ou brieve de Re-
scous: Mes il est pluis necessa-
rie pur luy de aver Assise, que
brieve de Rescous, pur tant q
per Assise il recoversa son rent
& ses dammages, mes per cest
brieve de Rescous il ne recove-
ra mes dammages, & le chose
distrein serra reprise.

Et nota, que si le Seignior
ne soit my seisie del rent & ser-
vice, & ils sont adere, & il
distreigne pur eux, & le tenant
reprent le distresse, il no poit
my aver Assise, mes brieve de
Rescous, & ne covient my al-
Seignior de m'e son droit.

Et nota, que si le Seignior
ne poit my trover distresse per
deux ans, il avera vers le tenar
brieve de *Cessavit per biennium*,
ut patet per lestatute de *West-*
minster 2. cap. 21.

Et si le tenaunt devie en le
meane temps, & son issue en-
ter, le Seignior avera vers le
issue brieve de entry sur *Cessavit*,
ou si le tenant alien, le Seigni-
our avera vers le Alience le a-
vaundit brieve. Mes si le Seig-
nior ad issue & devie, & le te-
naunt soit en arerages del dir-
rent & services en le temps le

at my liberry to distraine to be
rent, or to have an action of det,
but if the lease be determin-
and the rent be behinde, then I
cannot distraine, but shall be
put to my action of debt.

And note well, that if the
Lord be seised of the service and
rent aforesaid, and they be be-
hinde, and he distraine, and the
tenant rescueth the distresse, he
may have Assise, or a writ of
Rescous, but it is more neces-
sary for him to have Assise, than
a writ of Rescous, for then by
Assise he shall recover his rent
and his damages, but by a writ
of Rescous he shall not recover
but damages, and the thing dis-
trained shall be repossessed.

And note well, that if the
Lord be not seised of the service
& they be behinde, and he
distraine for them, & the tenant
take againe the distresse, he shall
not have Assise, but a writ of
Rescous, and the Lord shall
not need to shew his right.

And note well, that if the
Lord may not find a distresse by
two years, he shall have against
the tenant a writ of *Cessavit*
per biennium, as it appeareth by
the Statute of Westm. 2. c. 21.

And if the tenant dye in the
meane time, and his issue enter,
the Lord shall have against the
issue a writ of entry upon *Ces-*
savit, or if the tenant alien, the
Lord shall have against the al-
lience the aforesaid writ. But if
the Lord have issue, and dye, and
the tenant be in arerages of the
said rent and service in the time

the father of the issue, & not
of the issue, he may
sue for the arrerages
of his father, and he
shall have none other recovery
of the tenant, or any other.
That such advantage is
by the law to the tenant.
And note well that rent ser-
vice that to the which belon-
geth, but to rent charge &
seckle belongeth not fealty,
but belongeth to rent service
common right.

And note, that if a man dis-
tresse for rent charge, and the
distresse be taken against his
writ him, & he was never
distressed, he hath no recovery
by writ of Rescous. For
distresse first taken, giveth
to him seisin, onely if he
pay the rent before, for if he
be refused of the rent before, &
the rent be behinde, and
distresse, and rescous to him
made, he shall have assise, or
writ of Rescous.

And note well, that in every
case of rent charge, & annuall
rent, or in a writ of Annuity,
it sheweth to him that bring-
eth the writ to shew forth an
specialty, or else he shall not
maintain the writ. But in
the writ of Mortdauncester, or
Formedon in the descender, or
the writs, (in the which title
is shewen or comprised) brought
for rent charge or annuall rent,
it sheweth not to shew the spe-
cialty.

And note well, that if a man
pay rent charge to another,

pere del issue, & nemy en le
temps del issue, il ne poit my
distrein pur arrerages en tēps
son pierce, & n'aura aucun au-
ter recoverie vers le tenant,
ou aucun auter, pur ceo que
tel advantage est done per
le ley al Tenant. Et nota,
que Rent service est ceo a
quel appent fealtie, mes a
rent charge & rent seckle ne
appent pas fealtie, mes il
appent a rent service de com-
mon droit.

Et nota, si home distreine
pur rent charge, & le distresse
soit rescue de luy, & il ne fuit
my seisie adevaunt, il ne ad
my recovery forsque per brief
de Rescous, car le distresse
primerment fait ne done a
luy seisin, forsque sil happe le
rent adevaunt, car sil fuit
seisie del rent adevaunt, &
puis le rent soit aderere, & il
distreine, & rescous a luy soit
fait, il avera assise, ou briefe
de Rescous.

Et nota, que en chescun af-
fise de rent charge, & annuall
rent, ou en un briefe de An-
nuity, covient a celui, que
port le briefe, de monstre a-
vaunt un especialtie, ou auter-
ment il ne maintainera le af-
fise. Mes en Affise de Mort-
dauncester, ou Formedon en le
descender, & auters briefes (en
les queux title est done ou
comprise) porte de rent charge
ou de annuel rent, nest my be-
soigne de monstre especialty.

Et nota bien, que si home
graunt rent charge a un auter,
& le

The Exposition of

& le grantee releffa al graun-
tor parçel de le rent, uncore
tous le rent nest extinc.

Et nota bien, que si rent
Charge soit garunt a deux
joynement, & le un releffa,
uncore le auter ayera le moity
del rent. Et auxy si le un pur-
chase le moitie de le Terre,
dont le rent est issuant, lautur
ayera le moytie del rent de
son compaignon. Et si le dis-
seisour charge la terre a un E-
straunge, & le Disseisee port le
Assise & recouer, le charge est
defeat. Mes si celuy que ad
droit, charge la Terre, & un
estrangle faime un faux action
envers luy que nad droit, &
recouer per default, le charge
demurra.

Et nota bien, que en case
que purparty soit prêter deux
perccners, & pluisterre soit al-
lotte a lun que a lautur, & el
que ad plus del reue, charge
sa terre al auter, & el happe le
rent, el maintainera assise
sans especialty.

Et est un rent secke; lou
home tient de moy per ho-
mage, fealite, & auter services,
rendant a moy un certaine
rent per an, & ieo grant cest
rent a un auter, reservant a
moy les services.

Et nota bien, que si rent
secke soit grant a un home &
ses heyres, & le rent soit a de-
rere, & le grantour devie, le
heire ne purra my distrainer,
ne recouera les arrerages de
temps son pere, sicome est a-
vaunt dit de rent service.

and the graunter releffa to the
grauntoz parcell of the rent, so
all that rent is not extinct.

And note well, that if the
charge be granted to two joyn-
ly, and the one release, yet the o-
ther shall have the halfe of the
rent. And also if the one pur-
chase the halfe of the land,
wherof the rent is going on,
the other shall have the halfe of
the rent of his companion: and
if the disseisor charge the land
to a stranger, and the disseisee
bring an Assise and recover, the
charge is defeated. But if he
that hath right charge the
land; and a stranger faime a
false action against him which
hath no right, and recover by
default, the charge abideth.

And note well, that in case the
partition be between two part-
ners, & moze land be allotted to
one than to the other, & the one
hath most of the land, charged
her land to the other, & she re-
penech the rent, she shall main-
tain assise without especialty.

And it is a rent secke, where
a man holdeth of me by homage,
fealty, and other service, ren-
ding to me a certain rent by the
yeare, and I grant this rent to
another, reserving to me the o-
ther services.

And note well, that if the
secke be granted to a man and
to his heyres. & the rent be be-
hinde, and the grantour die, the
heire may not distraine, nor
shall recover the arerages of the
time of his father, as it is be-
foze said of rent service.

And in the same manner it is
of Rent charge, or annual
rent: But in all these rents be-
fore the heire may have for
the charges in his owne time,
at advantage as his father
in his life. See the Statute
Hen. 8. cap. 37.

And note well, that in Rent
if a man be not seised of
the rent, and it be behinde, he is
not recovery, for that that
was his owne folly at the be-
ginning, when the Rent was
owed to him or reserved, that
he not seisin of the Rent,
in rent, or two pence.

And note well, that a man
may not have a Cessavit per bi-
ennium, or any other waite of en-
ter for Cessavit for no rent secke
inde by two yeares, but only
for service, as it appeareth
in the Statute Westm. 2. c. 21.

And note well, that in Rent
if a behoveth him that su-
eth the rent secke for to shew
that the tenant, or else the
rent shal not be charged with
the rent, but where the rent
was rent service befoze, as
in this case: Lord, mesne, and te-
nant, and every of them holdeth
the land by homage and fealty,
the tenant of the mesne by
the Lord, the Lord by the
King, the King purchaseth the lands or
tenements of the tenant, all the
dignity of the mesne, but the
rent is extinct: And for this
cause this rent is become Rent
secke, and the rent service chan-
ge, for he may not distraine for
the rent, and in this case he

Et en mesme le manner est
adire d' rent charge ou annuel
rent: Mes en tous les rents
avandits le heire pourroit aver
pur arrearages en son temps de-
mesme tiel advauntage come
avoit son pere en sa vie. Vide
Statut. 37. Hen. 8. cap. 37.

Et nota bien, que en rent
seck si home ne soit seisle del
rent, & il soit aderere, il est
sans recovery, pur ceo que il
fuit son folly demesue adpri-
mes quant le rent fuit grant a
luy ou reserve, que il ne prist
my seisin del rent, siome un
denier ou deux.

Et nota, que home ne poit
my aver Cessavit per biennium,
ou un autre brieve Dentre sur
Cessavit pur nul rent seck ade-
rere per deux ans, mes ils por-
ront tant solent p' rent service
ut pater in lestat. West. 2. c. 21.

Et nota, que en rent secke
il covient pur luy que sue pur
le rent secke pur monstre fair
al tonaunt, ou autrement le
tenaunt ne serra my charge d' l'
rent, forsque lou le rent secke
fuit rent service adevant, come
en cest case: Seignior, mesne,
& tenant, & chescun de eux
tient de autor per homage &
fealty, & le tenant del mesne
per le s. de rent, le Seignior
paramount purchase les terres
ou tenements del tenant, touz
le Seignorie del mesne, for-
prise le rent est extinct: Et pur
cest cause cest rent est deventus
rent secke, & le rent service
change, car il ne poit distraire
pur cest rent, & en cest case ce-
luy

The Exposition of

luy que demanda le rent ne
serra jammés charge de mon-
stre fait.

Auxy en brieft de *Mordant-
cester*, *Ayle*, ou *Belayle*, de rent
secke, il ne besoigne de mon-
stre especialtie, pur ceo que
ceux brieftes de possession
comprehendout un ticle de-
ins eux mesmes, cestascavoir,
que le Ancestor fuit seisin de
mesme le rent, & continua son
possession, per cause de quel
seisin le ley suppose que est
auxy averrable per le pais.

Tamen quere, car ascuns
supposant q il covient a fine
force a monstre avaunt fays,
pur ceo que rent secke est un
chose encounter cōmon droit,
auxy bien come rent charge.

Mes en *Assise de Novel dis-
seisin*, & en brieft de *Entre sur
disseisin* port en rent secke, il
covient de fine force de mfe
avaunt fays, pur ceo que rent
secke est un chose encounter
common droit, sinon en le
case suiddit, ou il fuit rent ser-
vice adevaunt, & per l'act del
ley est devenus rent secke.

Et *Assise de Novel Disseisin*,
& brieft de *Entric sur disseisin*
ne cōteigne deins eux nul ticle
mes supposant un disseisin dēt
fait a le plainitise, & de enten-
dement del ley, le disseisin ne
done nul cause de averment &
counter common droit, mes
de fine force il monstre avant
especialty.

that demandeth the rent, shal
never be charged to shew a
Ward.

Also in a writ of *Mordant-
cester*, *Ayle*, or *Belayle*, of rent
secke, it needeth not to shew a
specialty, for that these writs
of possession doe comprehend
title within themselves, that
is to say, that the Ancestor was
seised of the same rent, and con-
tinued his possession, because
which seisin the law supposeth
that it is also averrable by the
Countrey.

Yet learne, for some suppose
that it behoveth of necessity to
shew forth a Ward, for that
rent secke is a thing against
common right, as well as rent
charge.

But in *Assise of Novel dis-
seisin*, and in a writ of *Entre sur
disseisin* brought of rent secke,
it behoveth of necessity to shew
forth a Ward, for that thar
secke is a thing against com-
mon right, except in the case
foresaid, where it was rent ser-
vice before, and by the act of
law it is become a rent secke.

And *Assise of Novel disseisin*,
& a writ of *Entric sur disseisin*
containe within them no aver-
ment, but suppose a disseisin to be
done to the plainitise, and of the
intendment of the law the dis-
seisin giveth no cause of aver-
ment against common right,
but of necessity it behoveth to
shew forth a Ward.

Replevin.

Replevin.

Replevin is a writ, & it lyeth where any man distraineth another for rent or other thing, then he shall have this writ to the Sheriffe to deliver him the distresse, and shall have surety to pursue his action, or if he pursue it not, or if it be found or judged against him, then he that took the distresse shall have againe the distresse, & that is called the returne of writ, and he shall have in case a writ that is called *habeas*.

If it be in any franchise or Balywicke, the party shall have Replevin of the Sheriffe, and to the Bayliffe of the franchise, for to deliver him againe, and he shall find surety to pursue his action at the County. And this Replevin may be removed out of the County unto the Common Bench by writ of Recordare.

And more of Replevin in the title of Distresse.

A writ of Homine replegiando where a man is imprisoned where a man is imprisoned, and not by speciall commandment of the King, nor of Justices, nor for the death of any man, nor for the Kings forest, nor for any such cause that is not reasonable, then he shall have this writ directed to the Sheriffe to cause him to be replevied. And this writ is a Justices, & not a Common Bench, and if the Sheriffe refuse, then there shall go forth a writ; *Sicut alias* : & after

Replevin est un brieve, & gist quaut un homme distreigne un autre pur rent, ou autre chose, donques il avera cest brieve al Viscount, pur deliver a luy le distresse, & trovera surety de poursuivre son action, & si il ne pursua, ou si soit trové & judged encounter luy donques cestuy que prist le distresse reavera distresse, & cest appelle retourne des Avers, & il avera en tiel case brieve que est appel *Returno habendo*.

Auxy si soit e aucun franchise ou Balywicke, le party avera un *Replevin* del Viscount directe al Bailiffe de m le franchise, per eux redeliver, & il trovera surety de poursuivre son action al procheine County. Et cest *Replevin* poit estre remove hors del County en le Common banke per brieve de *Recordare*.

Vide plus de *Replevin* devant titre *Distresse*.

Auxy brieve de *Homine replegiando* gist lou un homme est en prison, & nemy per especiall commandement le Roy, ne de ses Justices, ne pur le mort de home, ne pur le Forest le Roy, ne pur tiel cause que nest replevisable, donques il avera cest brieve direct al Viscount, que il luy faire esto replevy : & cest brieve est un *Justices*, & nient retourneable, & si le Viscount ne ceo face, donques il sera autre brieve, *Sicut alias* : & apres

The Exposition of

apres autre brief, *Sicut pluries vel causam nobis significes*, que serra retournable, & si le Vicont uncore ne facereplevin, donques issira un *Attachment* vers le Vicont, directed al Coroners dattacher le Vicont, & de luy amesner devant les Justices a un certaine jour, & ouster ceo que ils facent execution del primer brieve.

Replication.

Replication est quaut le defend en aucun action fayt respons, & le plaintife fait un respons a ceo, ceo est appel le Replication del plaintife.

Reprises.

Reprises sont deductiōs, payments, & duties, que ya annualmt, & sont pay hors de un mannour : Come rent charge, rent secke, pensions, corodies, annuities, fees de seneschals, ou baylifes, & tiels semblables.

Reprive.

Reprive venust del Francois (*Repris, Resumptus*), issint que repriver est properment de resumer un prisoner del execution & proceeding del ley pur ceo temps.

Rere countie.

Rere countie (*Retrocomitatus*) est un poluse, en lestat west. 2. cap. 39. & 2. E. 3. cap. 5. & semble per ceux statutes destreascun publique lieu que le Viscount appoint pur le receit des deniers lo Roy apres

terward another writ, *Sicut pluries, vel causam nobis significes*, which shall be retournable, and the sherrife yet make no replevin, then there shall go forth an Attachment against the sherrife, directed to the Coroners to attach the sherrife, & to bring him before the Justices at a certain day, & furthermore, that they make execution of the first writ.

Replication.

Replication is when the defendant in any action maketh an answer, and the plaintife maketh an answer to that, that is called the Replication of the plaintife.

Reprises.

Reprises are deductions, payments, and duties, that go yearly and are payed out of a mannour : As rent charge, secke, pensions, corodies, annuities, fees of stewards, baylifes, and such like.

Reprive.

Reprive comes from the french (*Repris, that is, taken againe*) so that to reprive is properly to take backe a prisoner from the execution and proceedings of the lawe for that time.

Rere countie.

Rere county is a word used in the statutes of Westminster cap. 39. & 2. E. 3. cap. 5. and shewes by those statutes some publicke place which the sherrife appointed for the receiving of the Kings money.

that his county court was

apres le fine de son County court.

Resceit.

Resceit is when an action is brought against the tenant for term of life, or tennant for term of yeares, and hee in the person cometh in & prayeth to be receiued for to defend his land, and to plead with the demandant. And when hee cometh it behoveth that he be ready to plead with the demandant. In the same manner a wife shall be receiued for default of her husband in an action brought against them. And also tenant for yeares shall be receiued to defend his land where in an action brought against the Tenant of the freehold he pleadeth fairly.

Rescous.

Rescous is a writ, and it lyeth when any man taketh a distresse, & another taketh it againe of him, & will not suffer him to carry the distresse with him, nor doth to him Rescous, & that hee may have this writ, & shall recover damages. Also if one distraine beasts or cattell in his ground, & witherth them in the high way for to impound them, and when they enter into the house of him whose they be, & withholdeth them there, and will not suffer the other to im-
pound them, then that withhol-
ding is a Rescous:

Resceit.

Resceit est quant ascun action est port vers tenant pur terme devie, ou tenant a terme de ans, & cesty en la reversion vient eins & pria desti receive pur defende le Terre, & pur pleader ovesque le demaundant. Auxy quant il vient il covient que il soit toutes fois prist a pleader ove le demaundant. En mesme le maner un feme serra resceive pur default sa baron en action port vers ambideux. Et auxy Tenaunt pur ans serra resceive a defendre son droit, lou en un Action port vers tenant d'il franktenement il plede faintment.

Rescous.

Rescous est un briefe, & giste quant ascun home prent distresse, & un autre reprist l' distresse de luy, & ne voile suffer luy amefner le distres ove luy donques il fait a luy rescous, & sur ceo il poit aver cest brief, & recoversa damages.

Auxy si un distrain beasts pur damage tesant en la terre & les enchasea p le hault chemin pureux enparker, & en allant ils entrent en le maison de celuy a que ils sont, & il eux detient la, & ne voile suffer l'auter de eux enparker, donques ceo detainer est rescous.

The Exposition of

Reservation.

Reservation est prise divers voyes, & ad divers naturs, come ascun foits per voy de exception, de reserve ceo que un home ad devaunt en luy : Come si un lease soit fait pur ans d' terf, reservant les grand arbors creissant sur ceo, ore le lessee ne poit meddle ovesque eux, ne ovesque ascun chose que vient pur reason de eux, cy longe come il demurt en ou sur les arbors, cōc mast d' oak, Chesnut, pomes, ou tielx semblables : Mes fils chient del arbors al terre, donques ils sont en droit le lessee, car le terre est lessee a luy, & tout sur ceo nient reserve, &c.

Ascun foits un reservation obtaine & port hors un auter chose que ne fuit devaunt : come si un home lessee ses terfs reservant annualment pur ceo xx.li.&c. Et divers auters tielx reservations y sont.

Et nota, que en ancient temps, lour reservations fueront cibien (ou pur le plus part) de victuals, soit ceo carne, pishe, blees, pane, boyer, ou auterment, come en money, tanq al darreine & specialment en le temps del Roy Henry le i. per agreement, le reservation de victuals fuit change en prift money, come il ad tanque cy c continue.

Residence.

Residence venust del Latine (*Residere*) & est tout

Reservation.

Reservation is taken divers wayes, and hath divers natures, as sometimes by way of exception, to keepe that which a man had befoze in him : As if a lease be made for yeares in ground, reserving the great trees growing upon the same, now the lessee may not meddle with them, nor with any thing that cometh by reason of them, so long as it abideth in upon the trees, as mast of Oke, Chesnut, Apples, or such like : But if they fall from the trees to the ground, then they are in right the Lessee, for the ground is to him, and all thereupon reserved, &c.

Sometimes a reservation get and bring forth another thing which was not befoze : as if a man lease his lands, reserving yearly for the same xx.li. &c. and divers other such reservations there be.

And note, that in ancient time, their reservations were well (or for the more part) in victuals, whether flesh, fish, corne, bread, drinke, or such else, as in money, until the last, & that chiefly in the reign of King Henry i. by agreement the reservation of victuals was changed into ready money, and it hath hitherto since continued.

Residence.

Residence comes from the Latine (*Residere*) and it is

one with resistance, but that
the said Residence is oftener
appoynted to the continuance
of a Parson or Vicar upon his
church or benefice, and so it is
in the Statute of 28. H. 8.
cap. 13.

un oye resistance, si non que
cest paroll residence est plus
tost appropriate al continuance
dun Parson ou Vicar sur son
esglise ou benefice, & issint est
use en lestatute de 28. H. 8.
cap. 13.

Resignation.

Resignation est lou un In-
curseur de un Esglise re-
signe ou renonce al Ordre
sacrie, que luy ait adroit a ceo,
ou a ses successors, & differt
del surrender, que luy ait adroit
a q le resignation est fait, &
ascun interest en le chose issint
resigne, mes cestuy a que sur-
render est fait avoit per ceo le
chose mesme per ceo sur-
render.

Resummons.

Resummons is a second sum-
mons of a man to answer to
action where the first sum-
mons is defeated by the demise
of the King, or such other cause.
of this see Coke, lib. 7. fol.

Resummons.

Resummons est un second
summons dun home pur
responder al un action lou le
primer summons est defeat per
le demise le'roy, ou tiel sem-
blable cause. Et de ceo veies
Coke lib. 7. fo. 29. b.

Resumption.

Resumption is a word used in
the Statute of 31. H. 6. chap.
12. & is there taken for the
taking againe into the Kings
such lands or tenements
upon false suggestion or
error he had made liberty of
heire, or granted by pa-
tent unto any man.

Resumption.

Resumption est un parol use
en lestatute de 31. H. 6. cap.
12. & est la prise pur le repren-
dre en les maines le roy de
tiels terres ou tenements come
sur faux suggestion ou auter
error le roy ussoit deliver al
un heire, ou graunt per patent
al ascun home.

The Exposition of

Retraxit.

Retraxit est le preterperfect tense de *Retraho*, compound per *Re* & *Trabo*, que signifie *Retraho*, pur evulsar arere. Et est quant le partie plaintife ou demandant vient en proper person en le Court ou son suit est, & dit que il voit *ulterius processum placet illo*, &c. Or ce sera un basal action a tous jours.

Reeve.

Reeve est un officer, mes plus conus en auncient temps que a ceo jour: car chescun mannour ad donques un Reeve, & uncore en divers copiehold mannors (ou le veile custome ascun chose prevaile) le nosme & office nest en tout oblie: Et est en effect ceo que a ore chescun Baylife de un mannour practive; nient obstant le nosme de Baylife ne fuit donques e ure enter nous, esteaunt puis port eins per les Normans: Mes le nosme de Reeve ancientment appelle Gereve, (quel particle (Ge) en continuance del temps fuit ousterment omise & perde) vient del Saxon parol *Gerefa*, que signifie un Ruler: Et issint vrament son rule & auctoritie fuit large deins le compasse del mannour son Seignour, & enter ses homes & tenants, siben en choses de gouvernement en peace & guerre, come en le skilfull use & trade de husbandrie: Car scome il

Retraxit.

Retraxit is the preterperfect tense of *Retraho*, compound per *Re* & *Trabo*, which signifies *Retraho*, to pull backe. And when the party plaintiff or complainant comes in proper person into the Court, and saith that he sees *ulterius processum placet illo*, &c. now this will be to the action for ever.

Reeve.

Reeve is an Officer, better knowne in ancient times than at this day: for every Mannour had then a Reeve, and yet still in many Copyhold Mannours (where the name & office is not altogether forgotten: And is in effect the same which now every Baylife of a Mannour practiseth, although the name of Baylife was then in use amongst us, since brought in by the Normans: But the name of Reeve, anciently called Gereve, (the particle (Ge) in continuance of time was altogether left out) came from the Saxon word *Gerefa*, which signifies Ruler: And so indeed his rule and authority was large within the compasse of his Lords Mannour, and among his men and tenants, as well in matters of government in peace & warre, as in the skilfull use and trade of husbandry: For as he gathered his Lords rents, &c.

repairs, or duties, issuing out of the Mannour, let the Servants to worke, sell and cut trees &c. to repaire the buildings and inclosures, with such like for his Lordes commodities. So also hee had authority to governe and keepe servants in peace, and if need should to lead them forth to warre.

Reversion.

Reversion of land, is a certaine estate remaining in the lessour or donour, after the estate which was possessed by another by lease for years, or gift in taile. It is called a Reversion because of the possession separated from it: so that hee that is the one, hath not the other at the same time for being in one together, there cannot be a Reversion, because having the one of them is barred in the other. And so the reversion of land is the Lawe it selfe when it is left.

Riot.

Riot, is where three (at the least) or more, do some unlawful act: as to beat a man, or upon the possession of another, or such like.

Robberie.

Robberie is when a man taketh anything from the person of another feloniously, although the thing so taken be not

collected les rents del Seignior, pay reprises ou duties, issuant hors del mannour, appoint les servants de worker, succide & decoupe arbres pur repayer les edifices, & enclosures. over- & divers tiels semblables pur le commoditie del Sfir. Issint auxy il ad auctorite de gouvener, & gard les tenans en paxe, & sil besoign d'conduct'eux e guerres.

Reversion.

Reversion de terre, est un certaine estatte remanant en le lessor ou donor apres le particular estat & possesio conveyal un autre p lease p vie, ou ans, ou done en taile.

Et est appel un Reversion en respect d' la possesio separate de ceo: Issint que il que ad le un, nad le autre a mesme le temps, car esteant un corps simple, la ne poit este dit un reversion, pur ceo que per le uniting l'un est merge en l'auter.

Et issint le reversion del terre est le terre mesme quant il eschueft.

Riot.

Riot est lou trois (al meins) ou plures font ascun illoyal act: come de bater un hōe, entre sur le possession d'un autre, vel cujusmodi.

Robberie.

Robberie est quant un home prent ascun chose del person d'un autre feloniously, coment que la chose prise ne soit

The Exposition of

soit al value forsque d'un denier, uncore il est felonie, pur quel le offender suffera mort.

Rout.

Rout, est quaut people assemble eux mesmes, & puis procedant, ou chivauchant, ou alant avant, ou movent per instigation de un ou plusors, que est conducteur de eux: cest appel un Rout, pur ceo que ils movent & proceed en routs & numbers.

Item ou plures assemble eux sur leur quarrels & braules de mesme: Come si les habitants d'un Ville voille assembler eux, pur debruier huys, mures, fosses, pales, ou tels semblables, daver common la, ou debatur un auter que ad fait eux un common displeasure, vel hujusmodi. cest un Rout & encouter le ley, comen que ils nont fait ou mis en execution leur male entent: Veies l'estature 1. M. cap. 12.

to the value but of a penny, yet is felony, for which the offender shall suffer death.

Rout.

Rout, is when people do assemble themselves together, and after doe proceed, or ride, or goe forth, or doe move by the instigation of one or more, who is their leader: This is called a Rout, because they doe move and proceed in Routs and numbers.

Also where many assemble themselves together upon their quarrels, as the inhabitants of a town will gather themselves together to breake hedges, or such like, to have common, or to beat another that hath done to them a common displeasure, or such like, that is a Rout, and against the law, although they have not done or put in execution their mischievous intent. See the Statute 1. M. c. 12.

S.

Sake.

Sake, hoc est placitum & semenda de transgredi hominum in curia vestra, quia Sake Anglicè, est Acheson Gallicè, & sake est mis per sick, & dicitur per sick, sake, idem quod per quod acheson, & sake dicitur per forfeit.

Et veies Keloway Casus incerti temporis, fol. 145. a. que le privilege appel Sake est

S.

Sale.

Sale, that is a sale and correction of trespass of man in your court, because Sale in English, is Achele in French, & Sale is put for che, as we say forliche sake, all for such hurt, and sake is put for forfeit.

And see Keloway in cases incerti temporis, fol. 145. b. that the privilege called Sale is

man to have the amerciaments of his tenants in his own Court.

Salarie.

Salarie is a word often used in our bookes, and it signifies a recompence or consideration given unto any man for his services bestowed upon another mans businesse. And it is called so as Pliny saies lib. 31. Nat. hist. c. 7. because it is as necessary for a man as salt, & makes his labour rellish as salt doth his meat.

Sanctuarie.

Sanctuarie is a privileged place by the Prince for the refuge of men whose offences, being knowne by the law of mercie, had yet great reverence, honour, and devotion which the Prince granteth such a privileged place, which was heretofore so great, that the Princes have granted the same in cases of treason committed against themselves, murder, rape, or other crime whatsoever, heretofore see Stamf. pl. de the Crowne l. 2. c. 38.

Sarpler.

Sarpler is a quantitie of wool which in Scotland is called Serplath, and containeth 80: lb. of wool, and with us in England a load of wool containeth (by the opinion of some) twelve todde, and every of these containe two stone, & every stone fourtene pounds,

d'auter les amerciements des tenants en son court demesne.

Salarie.

Salarie (*Salarium*) est un parol mult use en nostre livres, & signifie un recompence ou consideration done al ascit pur son labour imply sur les besoignes dun auter. Et est il sint appel come Pliny dit li. 31. *Nat. hist. cap. 7. quia tam necessarium est quam sal homini, & labores suos sapit, ut sal cibos.*

Sanctuarie.

Sanctuarie est un lieu privilegede per le Sovereigne pur le garder des vies du homes queux sont pechers; esteaunt foundue sur le ley de mercie, & sur le grand reverence, honore, & devotion, q'l' souveraign port al lieu aqs il granta tiel privilegede, q' fuit si grand en temps passe, que les souveraigns ont grauntee en cases de treason perpetree, & contre eux mesmes, murder, & autres crimes quecunques, de ceo veies *Stamford pl. del. cor. li. 2. ca. 38.*

Sarpler.

Sarpler est un quantitie de lane que en Escocce est appelle Serplath, & containe 80. stone de lane, & ove nous en Anglitterre un corde de lane consista (p le opinion de ascuns) de 80. todde & chescun de ceux todde containe deux stone, & chescun stone 14. livres,

The Exposition of

vers, & que un sacke de lane est en frequent estimation egal ove un corde, & un Sarpler le moitie dun sacke.

Scandalum magnatum.

Scandalum magnatum est un male report invent ou disseminé al prejudice ou flander dascun grand personage ou officer del Realme. Le punishment pur que est inact p divers statutes, viz. *West. 1. cap. 33. 2. R. 2. cap. 5. & 12. R. 3. cap. 11.*

Scavage.

Scavage ou *Shewage* est un colle exact per les Maiors, Viscounts, & Baylifs des Cities & Boroughs corporate, pur wares ou merchandize monstres destre vendus deins leur precincts & jurisdiction, quel action osteant encounter le privilege des subjects le Roy, suit inhibt par un statute fait 19. H. 7. cap. 10. & 21. H. 7. fol. 14. a. & par la statute de 12. R. 2. cap. 8. in fine.

Scire facias.

Scire facias est un briefe judicialissuant hors d record, & gist lou un ad recover dette ou damages en court le roys & il ne sue pas daver execution deins lan & le jour, donqs apres lan & jour il avera le dit briefe a gainer le partie, & si le partie ne vient, ou sil vient & ne seavoit riens dire encounter execution, donqs il avera un briefe de *Fieri facias*, direct

and that a sack of wool is a common account equal with a lead, and a Sarpler the halfe of a Sacke.

Scandalum magnatum.

Scandalum magnatum is an evil report invented or disseminated to the prejudice or slander of any great personage or officer of the Realme. The punishment for which is enacted by divers statutes, viz. *West. 1. chap. 33. 2. R. 2. chap. 5. & 12. R. 2. chap. 11.*

Scavage.

Scavage or *Shewage* is a toll exacted by the Maiors, Viscounts, and Bayliffs of Cities and Boroughs corporate, upon wares or merchandize shewen to be sold within their precincts or jurisdiction, which exacting being against the privilege of the Kings subjects, was prohibited by a statute made in 19. H. 7. chap. 8. fol. 21. H. 7. fol. 14. a. and in the statute of 12. H. 2. chap. 8. in the end thereof.

Scire facias.

Scire facias is a writ judicial going out of the record, & lieth where one hath recovered debt or damages in the Kings court, and he sueth not to have execution within the year and the day, then after the year and the day, he shall have the writ to warne the party, and if the party come not, or if he come and nothing say, to discharge or stay the execution, then he shall have

have a writ of *Fieri facias* directed to the Sheriffe, him commanding that he levy the debt or damages of the goods of him that hath lost.

Also the writ of *Fieri facias* hath within the yeare without any *Scire facias* sued.

Also if the summe of the same debt or damages may not be levied of the goods of him that hath lost them, he may have a writ of *Elegit* directed to the Sheriffe, that he cause him to have the one halfe of his lands or goods, except his oxen, and other things of his cart.

Also when one hath recovered a debt or damages in an action, and the party who is the process is a *Capias*, he may have a writ of execution called a *Capias ad satisfaciendum*, to have the body of him that is so condemned, which shall be committed to Prison, there to abide without baple or mainprise, till that he hath satisfied the party.

And when one hath judgment to recover any lands or tenements, he shall have a writ called *Habere facias seisinam* directed to the Sheriffe, him commanding to deliver to him the title of the same land to recover: the more of that in the title *Fieri facias*, and in the title *Execution*.

Scot.

Scot, that is to be quit of a certaine Custome, as of common tallage made to the use of the Sheriffe or Bayliffe.

al Viscount, luy commaundant q il leve le dette ou les damages des biens celuy que le perdue.

Auxyle brieve de *Fieri facias* gist deins lan sans afeun *Scire facias* suer.

Auxy si le summe de mesme le dette ou damages ne poit este levee des biens celuy que avoit perdue, donques il poit aver un brieve de *Elegit*, direct al Viscount, que il face luy deliver la moietie de sa terre & biens, except ses boves, & affries de sa carve.

Auxy quant un ad recoverer ou damages en action personal, (lou le proces est un *Capias*) il poit aver un autre brieve de execution, appelle *Capias ad faciendū*, pur prendre le corps celuy que est issint condamne, que serra commit al prison, ilongues a demarrer sans bail ou mainprise, tant q il ad paie le partie.

Auxy quant un ad judgement a recoverer aucun terre ou tenements, il avera un brieve appelle *Habere facias seisinam* directe al Viscount, luy commaundant, de deliver a luy seisin de mesme le terre issint recoū. Veies plus de ceo en le title *Fieri facias*, & en le title *Execution*.

Scot.

Scot, hoc est quietum esse de quad' consuetud', sicut de communi tallagio facto ad opus Vicecom' vel baliv' ejus.

Scolale.

The Exposition of

Scotale.

Scotale est un extortion prohibe per le Charta del Forest, cap. 7. & est lou ascun officer del forest tenust un Ale-house al intent q poit aver le custome des inhabitants deins le forest, de vener & expender lour deniers ove luy, & pur ceo il conniver a lour offences commise deins le forest.

Selion.

Selion (*Selio*) venust d'l Francois *Sellon*, id est terra elata inter duos sulcos, en Latine *Parca*, & nest d' aucun certain quantite, mes ascu foits certaine plus, & ascun foirs moins. Et pur ceo *Crompton* en son Jurisdiction des Courts, fol. 221. dit que un selion ne poit este demaund, eo que est uncertain.

Seneschal.

Seneschal (*Senescallus*) est un parol Francois, emprunt del Germanois, & signifie un que avoit le dispensation d'l Justice en ascun particular cases cõe *Stamf. pl. cor. fo. 152. B.* Le graund Seneschal del Angleterre, ou des affaires dun familie, come *Cromptons Jurisdiction fo. 102.* Seneschal del Hostel le Roy, & lestatute de 25 E. 3. stat. 5. cap. 21. & autres.

Sequestration.

Sequestration est le mitter a part dun chose in contro-

Scotale.

Scotale is an extortion prohibited by the Statute of Charta de Foresta, cap. 7. and it is when any officer of the Forest keeps an ale-house, to the intent that he may have the custome of the inhabitants within the forest to come and spend their money with him, and for that he shall wink at their offences committed within the forest.

Selion.

Selion comes of the French (*Sellon*) that is to say, ground rising between two furrows, in Latine *Parca*. It is not of any certain quantity, but sometimes more, sometimes less. But *theretofore* in his Jurisdiction of Courts, fol. 221. saith that a selion cannot be demanded, because it is uncertain.

Seneschall.

Seneschal (*Steward*) is a French word borrowed of the Germans, and signifies one that hath the dispensing of Justice in some particular cases, as *Stamf. pl. of the Cr. fol. 152. B.* the high Steward of England, or of the affaires of a family, as *Cromptons Jurisdiction, fol. 102.* Steward of the Kings household, and 25. E. 3. stat. 5. cap. 21. and others.

Sequestration.

Sequestration is the setting aside of a thing in controversy.

is from the possession of both
those that contend for it. It is
also for the act of an Ordina-
ry, when no man will medle
with the goods and chattels of
one deceased, as 4. & 5. M. Dyer
160. b. & 7. Eliz. Dyer 232. a.
And so it is used also for the ge-
nering of fruits and profits of
a benefice void, unto the use of
the next Incumbent, by the
statute of 28. H. 8. chap. 11.

Knights service.

TO hold by Knights Service,
is to hold by Homage, Fe-
alty, & Escuage, & it consisteth
in Ward, marriage, & reliefe.
And note that Knights ser-
vice is service of lands or tene-
ments, to serve Armes in war
in defence of this Realme, and
in ward and marriage, by
which that none is able, nor of
power, or may have knowledge
to serve Armes before that he
be of the age of xxi. yeares. And
at the end that the Lord shall
lose that that of right he
ought to have, and that the po-
wer of the Realme be nothing
diminished, the Law will because
of his tender age that the Lord
shall have him and his lands in
ward till the full age of
him that is to say, xxi. yeares.
Aske of that more in the
title Grand Serjeantie, and in
the title Escuage.

Shack.

Shack is a peculiar name of
Common, used in the Coun-
ty of Norfolk, and Cartell.

versie del possession d' ambi-
deux que contend par ceo. Et
use auxy par le act dun ordi-
nary, quant nul voit intro-
mitter ove les biens & chatels
dun q est mort, cō en 4. & 5.
M. Dyer fo. 160. b. & 7. El. Dy.
f. 232. a. Et issint est use auxy p
l' collector des fruits & profits
dun benefice q est void, al use
del procheine Incumbent, per
lestatute de 28. H. 8. cap. 11.

Service de Chivaler.

Tener per Service de Chiva-
ler, est a tener per Homage,
Fealty, & Escuage, & treit a luy
gard, marriage, & reliefe.

Et nota, que service de Chi-
valer est service de terres ou
tenements, pur armes porter
en guerre en defence del Roy-
alme, & doit garde & mariage
appent, per raison que nul est
able, ne de power, & ne poit
aver consuls de armes por-
ter, devant que il soit del age
de 21. ans. Et al fine que le
Seignior ne perdra ceo que
de droit il poit aver, & que la
power de la Royalme de rien
ne soit enfeeble, la le ley voet
per cause de son tender age,
que le Seignior luy avera en
la Garde tanque al plein age
de luy, c'est a sçavoir 21. ans.

Veies de ceo pluis en le title
Grand Serjeantie, & en le title
Escuage.

Sback.

Shack est un peculiar nomme
de common use en le pais
de Norfolk, & avers de aler
a shack,

The Exposition of

a shack; est tant adire come de
aler a libertie, ou d'aler a large.
Et cest common appel Shack,
que en le commencement fuit
forsque en nature de un fee-
ding, pur cause de vicinage, p
avoiding & suit. E ascuns lieux
deins cest pays est pro custome
alter en nature dun common
appendant ou appartenant, &
en ascun lieux ceo retaine son
original nature. *Coke lib. 7.
fol. 5.*

Sessions.

Sessions en nostre ley est un
seance des Justices en court
sur leur commission; come
les Sessions de Oyer & Ter-
miner, *St. pl. Cor. fo. 67.* Quar-
ter Sessions, auterment appelle
general Sessions, ou overt ses-
sions, *Anno 3. Eliz. cap. 4.* en-
counter queux sont private ou
especial sessions, queux sont
procure sur ascun especial oc-
casion, pur le plus subtile fe-
sanee de Justice, *Crompt. Justice
de P. fol. 170.* Queux choses
sont enquirable en general
Sessions, veies *Crompt. supra,*
& *fol. 109.* Petit sessions, ou
statute sessions, sont tenus per
le hault Constable de chescun
hundred pur le placing de ser-
vants, *An. 5. El. c. 4.* in fine.

Sewers.

Sewers semble destre un pa-
rol compound des deux pa-
rols Francois, (*seoir, sedere,*
& *eau, aqua*) pur ceo que les
sewers sont Commissioners q
seant per vertue de leur com-

gote Shack, is as much to say
as to goe at liberty, or to goe at
large. And this Common call
Shack; which in the beginning
was but in nature of a feeding,
by cause of vicinage, for avoid-
ing of suits; in some places
within this Country, is by cus-
tome altered into the nature of
Common appendant or apper-
tenant, and in some places it
retaineth its original nature.
Coke lib. 7. f. 5.

Sessions.

Sessions in our Law is a sit-
ting of Justices in Court
upon their commission, as the
Sessions of Oyer & Terminer,
St. Pl. Cor. fol. 67. Quarter
Sessions, otherwise called ge-
nerall Sessions, or open Ses-
sions, *3. Eliz. chap. 4.* wherein
whereunto are paied of all
all Sessions, which are proce-
red upon some especial occa-
sion, for the speedy expedition of
Justice, *Crompton Justice of P.
fol. 100.* What things are en-
quirable in generall Sessions,
see *Crompt. as above,* and *fol.
109.* Petit Sessions or statute
Sessions are held by the high
Constables of every Hundred
for the placing of servants, *An.
5. Eliz. cap. 4.* in the end.

Sewers.

Sewers seemes to be a word
compound of two French
words (*seoir, to sit, and eau,*
water) for that the Sewers
are Commissioners that sit by
vertue of their Commission

and authoritie grounded upon
divers statutes, to enquire of
all nuisances and offences com-
mitted by the stopping of rivers,
erecting of mills, not repaying
of bankes and bridges, &c. and
to tax and rate all whom it may
concerne for the amending of
all defaults which tend to the
hindrance of the free passage of
the waters through her old and
ancient courses. *See the sta-
tute of 6. H. 6. chap. 5. & 23. H.
8. chap. 5. for the forme of their
commission.*

Severance.

Severance is the singling of
two or more that are joyned
together: as if two are joyne-
d together *De libertate proban-
da*, & the one afterward is non-
sued, in this case severance is
permitted, so that notwithstan-
ding the nonsuit of the one, the
other may alone proceed, *F.N.B.
fo. 78. See of this Brook. tit. Se-
verance & Summons, f. 238. For
it is harder to know in what
cases severance is permitted,
than what it is. There is also
severance in Assise, old Booke
of Entries fol. 81. Col. 4. And
severance in Attaint, fol. 95.
Col. 2. And severance in debt,
fol. 200. Col. 1. And severance
in Quare impedit, Co. 1. s. f. 97.*

Shewing.

Shewing, that is to be quit
with attachment in any
court, and before whomsoever,
in plaints shewed, and not a-
vised.

mission & authoritie foundue
sur divers statutes, d'inquire
des tous nuisances & offences
faits per lestopper des rivi-
ers, erecter des molins, non repai-
rer des bankes & bridges, &c.
& pur taxer & rater tous qux
poit concerne pur le amender
des tous defaults que sont al
hindrance del francke passage
del eave per ses vieux & an-
cient currants. Veies lestat.
6. H. 6. cap. 5. & 23. H. 8. cap. 5.
per le forme de leur commis-
sion.

Severancee.

Severancee est le mitter hors
de un ou plusors que sont
joyne en un brieve: Come
si deux sont joyne en un brief
De libertate probanda, & puis lū
soit non suit, en cest case seve-
rance est permit, issint q' nient
obstant le nonsuit de lun, le
auter poit severalment pced,
*F.N.B. fo. 78. de ceo veies Br.
tit. Severance et Summons. f. 238.*
Car est plus dur a cognustre
en queux cases Severance est
permt, que quel y est. La est
auxy severance en Assise, veile
leur Dentries fo. 81. Co. 4. Et se-
verance en Attaint, fo. 95. Co. 2.
Et severance en Dette, fo. 200.
Col. 1. Et severance en Quare
impedit. *Coke lib. 3. fo. 97.*

Shewing.

Shewing, hoc est quietū esse
cum attachiamento in ali-
qua Curia, & coram qui-
buscunq, in querelis ostensis,
& non advocat.

The Exposition of

Sok.

Sok hoc est secta de hominib^{us} in Curia vestra, secundum consuetud^{em} regni.

Sokmans.

Sokmans sont les tenants en ancien Demesne, queux tient leur terres per socage, c'adire de service del Carve, & par ceo ils sont appelle Sokmans, que est tant adire come Tenants, ou homes quux tient per service del Carve, ou hoës del Carve: Car Sok signifie un Carve.

Et ceux Sokmans ou Tenants en ancien Demesne, ont plusieurs & divers liberties done & grant a eüx per le ley, cybien ceux Tenaunts queux tient d'un common person en ancien Demesne, come ceux quoux tient del roy en ancien Demesne, come nosmement destte quite de payer Toll en chescun Market, Fayre, Ville, Citie, & per tout le Roialme, cybien pur leur Biens & Chattels que ils vende as auters, come per ceux choses que ils achaterount pur leur provision, de auters: Et sur ceo chescun de eüx poyt suer d'aver Lettres Patentes desouth le Seale le roy, directes a ses Officers, & al Maiors, Bailifes, & aus Officers en le roialme, & suffer eüx destte quit de tolle.

Item destte quit de pontage, murage, & passage, & auxy de taxes & tallages grant per Parliament, sinon q['] le Roytaxe

Sok.

Sok, that is suit of men in your court, according to the custome of the realme.

Sockmans.

Sockmans are the Tenants in ancient demesne, that hold their lands by Socage, that is by service with the plow, and therfore they are called Sockmans, which is as much to say, as Tenants, or men that hold by service of the Plow, or plowmen: For Sok signifies a Plow.

And these Sockmans or Tenants in ancient demesne have many and divers liberties given & granted to them by the ley, as well those tenants that hold of a common person in ancient Demesne, as those that hold of the King in ancient demesne, as namely to be free from paying toll in every Market, Fair, Towne, and City throughout the whole Realme, as well for their Goods and Chattels when they sell to others, as for those things that they buy for their provision, of other. And thereupon every of them may sue to have Letters Patentes under the Kings seale, directed to his Officers, and to the Maiors, Bayliffes, and other Officers in the Realme, to suffer them to be Toll-free.

Also to be quit of pontage, murage, and passage, as also of taxes and tallages granted by Parliament, except that the

King take ancient demesne, as he may at his pleasure, for some great cause.

Also to be free from payments towards the expences of the knights of the shire that come to the Parliament.

And if the Sherriffe will distraine them, or any of them to be contributory for their lands in ancient Demesne, then one of them, as all as the case requireth, may sue a writ directed to the Sherriffe, commanding him that he do not compell them to be contributory to the expences of the knights. And the same writ may command him also, that if he have already distrained them thereto, that hee redeliver the same distresse.

Also that they ought not to be impanelled, nor put in Juries or Enquests in the Country of their Mannor or Lordship of ancient demesne, for the lands that they hold there, (except that they have other lands in the common law, for which they ought to be charged.) And if the Sherriffe do retorne them in panels, then they may have a writ directed to him. *De non ponendis in assisis & juratis*: And if he doe the contrary, then lyeth an Attachment upon that against him.

And so it is also if the Baylives of Franchises that have returne of Writs, will retorne any of the tenants which hold in ancient Demesne, in Assises or Juries.

And also to be exempt from

ancient demesne, come il poyt a son plaisir, pur grand cause.

Auxy destre quit de payment a les expences del Chivalers del Shire, queux vient al Parliament.

Et si le viscount voyle distreiner eux, ou aucun de eux de contributione p^r leur terre en ancient demesne, donques l'un de eux, ou toutz, come le case require, poit suer un brief directe al viscount, luy commandant que il ne compelle eux destre contributories al expences de chivalers. Et mesme le briefe luy command auxy, que si il ad distrain eux pur ceo. que il redeliver mesme le distresse.

Item que ils ne devront estre impanel, ne mis en Juries & Enquests en le pays hors de leur Mannor ou Seigniorie de ancient demesne, pur les terres queux il teignela (sinon que ils ont auters terfs al common Ley, pur queux il devront estre charge.) Et si le viscount retorne eux en panels, donques il poyent aver un briefe direct a luy *De non ponendis in assisis & juratis*: Et sil face al contrary, donques gist attachment sur ceo envers luy.

Et issint est auxy si les Baylives des franchises queux ont retorne des briefes voile retorne aucun del tenants queux teign en ancient demesne en assises, ou juries.

Et auxy destre exempts del

The Exposition of

Loets, & de Turnes de Vicont,
ovesq̄ d'avers autres semblable
liberties.

Socage.

TENER en Socage est a tener
de ascun Seignieur terres
ou tenements, rendant a luy
un certaine rent per an pur
touts manors des services.

Et nota, que tener per So-
cage n'est pas tener per service
de Chivaler, ne la appent gard
mariage, ne reliefe. Mes ils
doubleront un foys tout rent
apres le mort leur Ancestor,
solonque ceo q̄ soloyent paye-
ra leur Soigneur.

Et ils ne feront ouster mea-
sure greeves, come il appiert
en le Treatise de Gards & re-
liefe.

Et nota, que Socage poit
estre dit en trois maners, es-
tascavoir, Socage en franke
tenure, Socage en ancient te-
nure, & Socage en base tenure.

Socage en franke tenure, est
quaint un tient d'un p fealty
& certaine rent pur tous ma-
ner des services, come devant
est dit.

Et de tous terres tenus en
Socage le prochain amy avera
le Garde, a que le heritage
ne purra my discender tan-
quelal age le heir per xiiij. ans
et ascavoir, si le heritage
veign per le p̄ le pere, ceux
del part le mere averont le
gard: Et contra.

Et nota bien, si gardian en
Socage fait waste, il ne serra
my

Loets, & the Sheriffes Curia,
with divers other such like li-
berties.

Socage.

TO hold in Socage is to hold
of any Lord lands or ten-
ments, yielding to him a cer-
tain rent by the year in all
manner of services.

And note well, that to hold
by Socage is not to hold by
Knights Service, nor is it be-
longeth ward, marriage, or re-
liefe: But they shall double their
rent after the death of
their Ancestor, according to
that that they be wont to pay to
their Lord.

And they shall not have
measures grieved, as it appea-
reth in the Treatise of Gards
and Reliefe.

And note well, that Socage
may be said in 3. maners, that
is to say, Socage in frank
Socage in ancient tenure, and
Socage in base tenure.

Socage in free tenure, is
when one holdeth of another
by fealty and certaine rent in
all manner of services, as is be-
fore said.

And of all lands holden in
Socage the next kindest shall
have the ward, to whom the he-
ritage may not descend till the
age of xliij. years, that is to
say, if the heritage come by the
part of the father, they of the
part of the mother shall have the
ward: and contrariwise.

And note well, that if the
guardian in Socage do make waste,

shall not bee impeached of waste, but he shall peyd accompt to the heire when he shall come to his full age of xxi. yeares. See like the statute of Marlebridge, c. 7. for this matter.

Socage of ancient tenure, is that where the people held in ancient demesne, which use no other writ to have then the writ of Right close, which shall be determined, according to the custom of the Mannour, & the Monstraverunt, for to discharge them when their Lord distreyned them for to doe other service than they ought not to doe.

And this writ of Monstraverunt ought to be brought against the Lord, and these tenants hold by one certaine service, and are the free tenants of ancient demesne.

Socage in base Tenure, is where a man holdeth in ancient demesne, that may not have the Monstraverunt, and for that it is called the base tenure.

Summons ad warrantizandum, &c.

Summons ad warrantizandum, and Sequatur sub suo periculo. See of them after in the next Voucher.

Spoliation.

Spoliation is a suit for the fruits of the Church, or for the Church in lease, and it is to be sued in the Spiritual Court, and not in the Temporal Court. And this suit lyeth against such Incestors against an-

my impeache de waste: Mes il rendra accompt al heire quant il viendra al plein age de xxi. ans. Es veies le statute de Marlebridge, capit. 17. pur cest matter.

Socage de ancient tenure, est ceo lon les gens en ancient demesne tenoyent, que ne soloient auter brieve avoir que le brieve de Droit close, que serra determinee, Secondu consuetudinem maneris, & le Monstraverunt, pur eux discharge quant leur Seignieur eux distreigne pur faire auters services que faire ne duissent.

Et cest brieve de Monstraverunt doit estre port envers leur Seignieur, & ceux tenants reignent tous pur uncertaine service, & ils sont franke tenants de ancient demesne.

Socage en base tenure, est lou home tient en ancient demesne, q ne poit aver le Monstraverunt, & pur ceo il est appel le base Tenure.

Summons ad warrantizandum, &c.

Summons ad warrantizandum, & Sequatur sub suo periculo. Veies de ceux apres en le next Voucher.

Spoliation.

Spoliation est un suite pur les fruits dun Eglise, ou pur L'Eglise mesme, & est a sue en le Spiritual Court, & nemy en les Temporal Courts. Et cest suite gist pur un Encumbent envers un auter Encumbent.

The Exposition of

cumbent, ou ils ambideux claime per un Patron, & lou le droit del Patronage ne vient en question ou debate: Come si un Parson soit cree un Evesque, & ad dispensation de tener son Rectorie, & puis le Patron present auter Encumbent, que est institue & induct: Ore le Evesque poit aver envers cestuy Encumbent un Spoliation in le spiritual Court, pur ceo que ils ambideux claime per un Patron, & le droit del Patronage ne vient en debate & pur ceo que l'auter Encumbent vient al possession del benefice per le course del Ley spiritual, cestascavoir, per institution & induction, issint que il ad colour de aver ceo, & desse Parson p le esprituell Ley: Car autrement sil ne soit institue & induct, &c. Spoliation ne gist envers luy, mes pluistost un brieve de Trespas, ou un Assise de Novel disseisin, &c.

Issint auxy lou un Parson que ad pluralite, accept auter benefice, per reason de que le Patron present un auter Clerk que est institue & induct, ore l'un de eux poit aver Spoliation envers le auter, & doncs viendra en debate si il ad un sufficient pluralite ou non. Es issint est de deprivation, &c.

Mesme le ley est, ou un dit a le Patron, que son Clerk est mort, sur que il present un auter: la le primer Incumbent que fuit surmise de estre mort,

other Incumbent, where the both claime by one patron, and where the right of the Patronage doth not come in question or debate. As if a Parson be created a Bishop, and hath dispensation to keepe his benefice still, and afterward the Patron presents another Incumbent, which is instituted & inducted. Now the Bishop may have against that Incumbent a Spoliation in the spiritual Court, because they claime both by one Patron, and the right of the patronage doth not come in debate, and because that the other Incumbent came to the possession of the benefice by the course of the spiritual law, that is to say, by institution & induction, so that he hath colour to have it, & be Parson by the spiritual Law: for otherwise if he be not instituted & inducted, &c. Spoliation lyeth not against him, but rather a writ of Trespass, or an Assise of Novel disseisin, &c.

So it is also where a Parson which hath a plurality, doth accept another benefice, by reason whereof the Patron presents another Clerke, who is instituted and inducted, now the one of them may have Spoliation against the other, and then shall come in debate if he have a sufficient plurality or not. And it is of deprivation, &c.

The same law is where one saith to the Patron, that his Clerk is dead, whereupon he presents another: there the first Incumbent which was supposed

to be dead may have a Spoliation against the other. And so it is in divers other like cases, *hijet les Fitz. N.B.f. 36. G. &c.*

Stablestand.

Stablestand is a terme of the Forest lawes, & it is when a man is found standing in the forest with his bow bent ready to shoot at any Deer, or with his hand on his bow in a lesse ready manner. *Manw. For. lawes c. 1. §. 3. b.*

Stallage.

Stallage, that is to be quit of a certaine Custome exacted for the first taken or assigned in a street and Markets.

Statute Merchant.

Who hold by Statute Merchant, is where a man knoweth to pay certaine money another at a certaine day before the Mayor, Bayliffe, or other Justice of any Towne which hath power to make execution of the same Statute, and if he Obligor pay not the debt at the day, and nothing of his lands, or tenements may be taken within the ward of the Mayor or Warden before said, or in other places without, the Recognisance that he hath made, and Obligation with a certification to the Chancery under the Kings seale, and he shall have out of the Chancery a Capias to the Sheriffe of the County where he is to take him, & to put him in prison, if

poir aver un Spoliation eavers l'auter. Et issint en divers autres semblables cases, de q veies *Fitz. N.B. fol. 36. G. &c.*

Stablestand.

Stablestand est un terme del forest ley, & est quante un este trove estant en le forest ove son arc tend prist d'escoucher al un daim, ou ovef q les leuriers en un lesse prist de gliffer. Veies *Manw. For. ley cap. 18. fo. 133. b.*

Stallage.

Stallage, hoc est, quantum esse de quadā consuetudine exacta pro platā capī vel assignat in Nundis & Mercat.

Statute Merchant.

Tener per Statute Merchant. Est lou home conuist a payer certaine deniers a un auter a certaine jour devaunt le Mayor, Bayliffe, ou auter Gardien de ascun ville que ad poyar de faire execution de mesme le statute, & si le Obligor ne paya le det a le jour, & rien de ses biens, terres, ou tenements ne purront estre trovers deins le gard le Mayor ou Gardien avantdit, mes en autres lieux dehors, donques le recognisance suera le recognisance & Obligation ove un Certification a la Chancerie desous le seale la Roy, & il avera hors de la Chancerie un Capias al viscount del County lou il est d luy prender, & mitter luy en prison, si il ne soit Clerk,

The Exposition of

Clerke, ranque il ad fait gree de la dette. Et un quarter de l'an apres ceo que il serra prise, il avera sa terre liver luy mesme pur faire gree a le partie de le dette, & il poit vender sa terre ranque il est en prison, & son vendition serra bone & loyal. Et si il ne face gree deins le quarter d'un an, ou si il soit returns que il n'est trove, & si il ne soit Clerke, adonques le recognisee poit aver brieve de le Chancery, que est appel *Extendi facias*, direct al tous Viscounts loun il ad terres do extender les terres & biens, & les biens a luy delivrer, & luy seiser en ses terres, a rener eux a luy & a ses heires, & a ses assignes, ranque le debt soit levye ou paye, & pur cel temps il est tenant per Statute Merchant.

Et nota bien, que en un statute Merchant le recognisee avera execution de tous les terres que le recognisor avoit jour de la recognisance fait, & ascun temps puis per force de mesme le statute.

Et nota bien, Que quant ascun waste ou destruction est fait per le recognisee, ses executors, ou per celuy q ad son estate, le recognisor ou ses heires averont mesme la ley, come est susdit de la tenant per *Elegit*.

Et nota bien, si le tenant per le Statute Merchant tient ouster son terme, cestuy que ad droit poit suer envers luy u *Venire facias*, ad computandum,

he be not a Clerke. He may make agrament of the debt. In one quarter of the year after that he shall be taken, he may have his land delivered to himselfe, and make gree to the parts of the debt, and he may have his land while he is in prison, and his sale shall be good & lawful. And if he do not make satisfaction within a quarter of a year, or if he be returned, or if he be not found, & if he be not a Clerke, then the recognisor may have a writ out of the Chancery, which is called *Extendi facias*, directed to all Viscounts where he hath lands, to extend his land & goods, & deliver the goods to him, or to seise him in his lands & to them to him and to his heirs, his assignes, till that the debt be levied or payed, & so long as he is tenant by Statute merchant.

And note well, that in a statute Merchant the recognisor shall have execution of all the lands which the recognisor had the day of the recognisance made, & any time after by force of the same statute.

And note well, that when any waste or destruction is made by the recognisee, his executors, or by him that hath his estate, the recognisor or his heirs shall have the same law, as is before said of the tenant by *Elegit*.

And note well, that if a tenant by Statute Merchant hold over his terme, he that hath the right may sue against him a *Venire facias* ad computandum,

enter by and by, as upon tenant
by Elegit. *On the statute 11.
Ed. 1. and of Acton Burnel, and
11. E. 1. de Mercatoribus.*

Superfedeas.

Superfedeas is a writ that lyes
in divers cases, as it appea-
reth by Fitz. N. B. fol. 236. A.
it is alwayes a command to
some ordinary proceeding in
law, which ought otherwise to
proceed.

Supplicavit.

Supplicavit is a writ directed
out of the Chancery unto the
Sheriffe and some Justices of
the Peace in the County, or to
one or more Justices without
the Sheriffe, for the taking of
the surety of such an one as it is
sued against, that he should
keep the peace, and this is by
the statute of 1. E. 3. cap. 16. for
Fitz. N. B. fo. C. and see now the
stat. 21. Jac. cap. 8.

Stilyard.

Stilyard is a word used in the
Statute of 22. H. 8. chap. 8.
where the Hanse Merchants
are called the Merchants of
the Stilyard, which is a place
in London where those Mer-
chants of their brotherhood have
their abode. And the house is
said to be so called, for that it is
built upon a Court in which
Stale was wont to be much
sold.

ou enter tantost, sicome sur le
tenant per Elegit; Veies le stat.
11. E. 1. & de Acton Burnel,
& 13. E. 1. de Mercatoribus.

Superfedeas.

Superfedeas est un briefe que
gist en divers cases, comē
appiert per Fitz. N. B. fo. 236.
A. mes est tous foits un pre-
cept pur varier aucun processa
en ley, que autrement doit or-
dinariment proceder.

Supplicavit.

Supplicavit est un brief direct
hors del Chancery al Vis-
count & alguns Justices del
peace en le County, ou al un
ou plus Justices del peace, sans
le viscount, pur le prender del
surety dun tiel vers q est prie
que il gardera le peace, & ceo
est per lestatute 1. E. 3. cap. 16.
veies Fitz. N. B. fol. 80. C. &
veies ore lestatute de 21. Jac.
cap. 8.

Stilyard.

Stilyard est un parol use en
lestatute de 22. H. 8. cap. 8.
lou les Merchants Teutonicks
sont appellees les Merchants d'l
Stilyard, que est un lieu en
Londres ou ceux Merchants
ou le fraternity d'eux ont leur
abode. Et ceo meale est dit
destre issint appel pur ceo que
est edifie sur un court en que
Aier soloit destre usualment
vendus.

The Exposition of

Suffragan.

Suffragan est un parol use en lestatute de 26.H.8.cap. 14. & signifie un titular Evesque, ordeine de ayder & assister Levesque des Dioces en son spiritual fonction. Et est appel *Suffraganeus* en Latine, par ceo que per son suffrage ecclesiastical causes sont estre adjudges.

Sur cui in vita.

Sur cui in vita est un brieve que gist pur le heire dun inheritrix, tou le baron alien le inheritance la feme, & le feme morust devant que il ad ceo recover en un *Cui in vita* vies de ceo Fitz.N.B. fo. 194.C.

Surplusage.

Surplusage venust del Francois *Surplus*, id est *additamentum*, & signifie en le ley un addition plus que besoigne, que ascun foirs est le cause que un brieve abatez mes en pleader mults foirs est absolument voyd, & le residue del plea choyera bon.

Surrejoinder.

Surrejoinder est un respons al rejoinder del defendant, ou un second enforecement del declaration le plaintife.

Surrender.

Surrender (*sursu redditio*) est le consent dun particular tenant, que cestuy en le reversion ou le remainder, viendra

Suffragan.

Suffragan is a word used in the Statute of 26. H. 8. c. 14. and it signifies a titular Bishop appointed to helpe and assist the Bishop of the Diocese in his spiritiual function. So he is called *Suffraganeus* in Latine, because that by his suffrage ecclesiasticall causes are to be adjudged.

Sur cui in vita.

Sur cui in vita is a writ that lyes for the heire of an inheritrix, whose husband alien the inheritance of his wife, and the wife died before she recovered it in a *Cui in vita*: see in this Fitz. N. B. 194. C.

Surplusage.

Surplusage comes of the french *Surplus*, that is, an overplus, and signifies in the law an addition of more then needs, which sometimes is the cause that a writ shall abate, but in pleading many times it is absolutely voyd, and the residue of the plea shall stand good.

Surrejoinder.

Surrejoinder is an answer to the defendants rejoinder, or a second enforcing of the plaintiffs declaration.

Surrender.

Surrender is the consent of a particular tenant, that he in the reversion or the remainder shall presently have the possession

For of this is either a surrender in deed by an actual yielding up of the estate, or in law by the taking of a new lease, or by other act. See of this Perkins chap. 9.

Swainmote.

Swainmote, or Swannimote, is a Court held thrice in a year within a Forest, by the name of *Charta de foresta* c. 8. by all the freeholders of the forest, so the Etymology of the word shewes: for *Mote* in the Normane speech signifies a Court, & *Swain* in the Saxon tongue is a charterer, or a freeholder, so that Swainmote is the Court of the freeholder. See of this in *Manwoods Forrest* lib. 1. chap. 23. fol. 217. &c. at large.

maintenant al possession, & ceo est ou un surrender en fait p un actual redoner d'lestate, ou en ley per acceptance dun novel les, ou tiel autre act. Veies de ceo Perkins cap. 9.

Swainmote.

Swainmote, ou Swannimote, est u court tenuz trois fois en un an deins un forest, p le statute de *Charta de foresta*, c. 8. par tous les franktenants del forest, car issint le Etymology del parol monstre: car *Mote* en le language Normanois signifie un court, & *Swain* en l'Saxon langue est un charterer ou franktenant, issint q Swainmote est le Court des franktenants. Veies de ceo en *Manwoods For. leys*, cap. 23. f. 217. &c. alarge.

T.

Fee Taile.

To hold in the Taile, is where a man holdeth certaine lands or tenements in fee and to his heires of his body begotten.

And note well, that if the land be given to a man & to his heires males, and he hath issue male, he hath fee simple, and the land adjudged in the Parliament of our Lord and King. But where lands be given to a man and to his heires males of his body begotten, then he hath fee taile, and the issue female

T.

Fee Taile.

To enter en le Taile, est lou home tient certaine terres ou tenements a luy & a ses heires de son corps engendres.

Et nota bien, que si le terre soit done a un home & a ses heires males, & il ad issue male, il ad fee simple, & ceo suit adjudge en le Parliament nostre Seignior le Roy. Mes lou terres ou tenemens sont dones a un hoe & a ses heires males de son corps engendres, il ad fee taile, & le issue female ne ferra

The Exposition of

terra my inherite, ut patet An.
no 14. Edw. 3. en un Assise 18,
E. 3. 45.

*Pes taile est lou terre est, do-
ne a un home & a ses heyres
de son corps engendres, & il
est dit Tenant en le taile ge-
nerall.*

Mes si terre soit done al ba-
ron & feme, & al heyres de
leur deux corps engendres, ore
le baron & la feme sont te-
nants en le taile especial.
Et si un de eux devy, cesty
que survive est tenant en le
taile apres possibility de issue
extinct, & si il face waste, il ne
sera impeach de cel waste :

vide. Littlat.
Mes si le Roy done terres a
un home & a ses heires males,
& le donee dev sans issue male
donques le coosin collaterrall
del donee ne inheritera, mes
le Roy reentra, & issint fuit
adjudge en Leschequer cham-
ber 18. H. 8. en un information
fait vers le heyre de Sir T. Lo-
vel Chivaler.

Taile apres possibilitie.

TENER en le Taile apres
possibilitie d issue extinct,
est lou terre est done a un hoc
& sa feme, & a les heires de
leur deux corps engendres, &
l'un de eux survive l'auter sans
issue enter eux issuant, il tien-
dra sa terre a terme de sa vie
demefne, come tenant en le
Taile apres possibility de issue
extinct. Et non obstant que
il fait waste, il ne sera jam-
ins impeache de cel waste. Et

shall not be inheritable, nor
appeareth in the 14. year ass.
3. in Assise 18. E. 3. 45.

*Pes taile is where land is gi-
ven to a man, and his heires of
his body begotten, and he is
called Tenant in the Taile ge-
nerall.*

But if land be given to a
husband and the wife, and the
heires of their two bodies be
gotten, then the husband and
wife be tenants in the taile
speciall. And if one of them dy,
he that surviveth is tenant in
taile after possibility of issue ex-
ting, and if he make waste, he
shall not be impeached for the
waste: see Littl.

But if the King give land to
a man & to his heires males, &
he dyeth without issue male,
then the coosin collaterrall of
the donee shall not inherit, but
the King shall reenter, & soit
adjudged in the Exchequer
chamber 18. H. 8. in an Infor-
mation made against the heires of
Sir T. Lovel knight.

Taile after possibility.

TO hold in the Taile
possibility of issue extinct,
where land is given to a man
and to his wife, & to the heires
of their two bodies engendred,
and one of them overlieth the
other without issue begotten,
he shall hold the
land for terms of his owne life,
as tenant in the taile after
possibility of issue extinct: and
withstanding that he do waste,
he shall never be impeachd

the waste. And note that if he alien, he in the reversion shall not have a writ of Entry in consimili casu, but he may enter, and the entry is lawful, per R. Thorpe chiefe iust. 28. E. 3. 98. & 45. E. 3. 25.

Tales.

Tales is a supply of men impanelled upon a Jury of Enquest, and not appearing, or their appearance challenged in the Plaintiffe or Defendant is not indifferent, and in this the Judge upon petition may make a supply to be made to the Sheriffe, of some men now present, equal in reputation to those that were impanelled: & hereupon the writ of supplying is called a Tales in circumstantibus: this supply may be of one or more, and of as many as shall either make default, or else be challenged by each party, Stamf. Plac. Cor. l. 3. c. 1. Now note he that hath had a Tales either upon default or challenge, though he may have another, yet he may not use the latter to contain so many as the former, for the first Tales ought to be under the number of the principall panel, except in a cause of Appale, & every Tales lesse then other, until the number be made up of men present in Court, & such as are without exception to the jury or parties. See Stamf. in the place before, where you may find some exceptions to this general rule: See Brook fol. 105.

nota, que si il alien, celui en le reversion ne sera briefe Dentre in consimili casu, mes il poit enter, & son entree est congeable: per R. Thorpe chiefe iustice, 28. E. 3. 98. & 45. E. 3. 25.

Tales.

Tales est un supply d'hommes impanelle sur un Jury ou Enquest, & nient apparaunt, ou a leur apparence challengee par le Plaintiff ou Defendant come nient indifferente, & en cest case le Judge sur petition granta un supply de ses faire le Viscont, de aucuns hommes la present, egal en reputation avec ceux qui furent impanelle. Et sur ceo le writ est de supplying: cest supply poit estre de un ou plus. & de cy plusieurs come on feront default, ou seront challengee per aucun partie, Stam. pl. cor. lib. 3. c. 1. Vneore cestuy que avoir ad un tales, ou sur default ou challenge, coment que il poit aver un autre, uncore il ne poit aver le darrein de container cy plusieurs come le prim, car le prim Tales doit estre dessous le nombre del principal panel, sinon en un cause de Appale, & issint chescun tales meins que autre, ielsque le number soit repleit de homes present en court, & tiels que sont sans exception al partie ou parties. Veies Stam. en le lieu devant, ou vous pois trovera aucuns exceptions al cest general rule: veies

The Exposition of

*Veies Brooke fo. 105. & Co. lib.
10 fo. 29. Bewfages case.*

and Coke li. 10. fol. 99. Bewfages case.

Talwood.

Talwood.

Talwood est un terme uso en lestatutes 34. & 35. H. 3. cap. 3. & 7. E. 6. cap. 7. & 43. Eliz. ca. 14. & signifie tiel bois que est coupe en brieve billets, par le fizer des queux ceux Ratures fueront ordeines.

Talwood is a terme used in the statutes of 34. & 35. H. 3. cap. 3. & 7. E. 6. cap. 7. & 43. Eliz. cap. 14. & it signifies such wood as is cut into short billets, in the fizing whereof those statutes were made.

Taxe & Tallage.

Taxe and Tallage.

Taxe et Tallage sont payments, come dismes, quinzismes, subsidies, ou tiels semblables grant al Roy per Parliament.

Taxe and Tallage are payments, as tenths, fifteens, subsidies, or such like granted to the King by Parliament.

Les tenaunts en ancien demesne sont quites & ceux taxes & tallages graunts per Parliament, sinon que le Roy taxe ancien demesne, come il poit quauant a luy pleist par grand cause. *Veies Ancient demesne.*

The tenants in ancient demesne are quite of these taxes & tallages granted by Parliament, except that the King doe taxe ancient demesne, as he may when he thinks good for some great cause. *See Ancient dem.*

Tenure in capite.

Tenure in capite.

Tenure in capite est lou ascendant del Roy, come de son person esleant Roy, & de son Corone, come dun Seigniorie per luy mesme en grosse, & en chiefe, desuis tous autres Seigniories. Et nemy lou ils tient de luy come de ascun manour, honour, ou castle, sinon certaine ancient honours, ut pater in Scaccario.

Tenure in capite is where any hold of the King as of his person being King, and of his Crowne, as of a Lordship by himselfe in grosse, and in chiefe above all other Lordships. But not where they hold of him as of any Honour, honour, or Castle, except certaine ancient honours, which appeare in the Exchequer.

Terme dans.

Terme dans.

Tener a terme dans, nest forsque chattel en effect, car nul action est maintainable envers termor qnt a recoverer

To hold for terme of years is not but chattell in effect, for no action is maintainable against the termor for the recovering

holding of the freehold, for no freehold is in him. Lease for terme of yeares is a chattell real, & all goods, which are removable, are chattels personals.

Testament.

Testament is thus defined in *Master Plowdens Commentaries*: A Testament is a witness of the minde, and is composed of these two wordes Testatio and mentis, which so signifyeth truth it is, that a Testament is witness of the mind, but that it is a compound word, *Aulus Gellius* in his 6. book, cap. 11. both deny the same to an excellent Lawyer, one *Servius Sulpitius*, & saith, that it is a simple word, as are these, *Calciamentum*, *Paludamentum*, *Paviamentum*, and others such like. And *Ulpian* saith, *Agroementum*, a compound word of *Agregatio* & *mentium*, as is said before in the title of Agreement, for there is no such Latine word, simple or compound: but it may nevertheless serve well for a law Latine word.

And therefore thus it may better be defined. A Testament is a true declaration of our last will, of that we would to be done after our death, &c.

And of Testaments there be two sorts, namely, a Testament in writing, and a Testament in words, which is called a *Nuncupative Testament*.

The first is alwayes in writing, as is said.

The other is, when a man

le franktencier, car nul franktencement est a luy. Lease a terme dans est chattel real, & tous biens moveables sont chattels personnels.

Testament.

Testament est ainsi défini ou expound en *Monseigneur Plowdens Commentaries*: Testamentum est testationis, & est composé de ceux deux parols, *Testatio* & *mentis*, que ainsi signifie: veray il est, que un Testament est testatio mentis, mes que il est un compounde parol, *Aulus Gellius* en son 6. liver, cap. 12. denie ceo al un excellent Lawyer, un *Servius Sulpitius*, & dit, que il est un simple parol, come sont ceux, *Calciamentum*, *Paludamentum*, *Paviamentum*, & divers tiels semblables. Et mult meins est *Agreementum*, un compound parol de *Agregatio* & *mentium*, come est dit Éle ticle de *Agreement*, car il ny ad nul tiel Latine parol simple ou compound: mes il poit nient obst. servo bien s'un ley Latine pol.

Et pur ceo il poit ainsi este melior define. Testamentum est ultimæ voluntatis iusta sententia, eo quod quis post mortem suam fieri vult, &c.

Et de Testaments il y ad deux sorts, s. un Testament en escript, & un Testament per parol, que est appelle un *Nuncupative Testament*.

Le prim est tous foies en escript, come est dit.

Le auter est quant un home esteant

The Exposition of

estant malade, & par payer
que mort, ou fault de memo-
rie, ou de parler, voyt venir cy
sodeinement ou hastivement
sur luy, que il serra prevent, si
il demurt le scripture de son
Testament, request ses vicines
ou amyes de porter tesmoigne
de son darreigne volunt, &
donques declare ceo present-
ment par parol devant eux, q
apres son decease est proove
per tesmoignes, & mis en script
per le Ordinary, & donques il
est en ey bone force come si
ceo ad al prin en le vie del te-
staf este mis en escript: Si non
que il soit par terres nient de-
visable per custome.

Thanus.

THANUS est un parol que as-
cun foits impley a un Noble
home, ascun foits un frank-
home, un Magistrate, un Offi-
cer ou Minister, *Lambert verbo*
Thanus. Mounseür Skene dit,
que est un nomme de digniry,
& appiert destre equal ove le
sez de un Count. Et *Thanus*
fuit un Franke-tenant tien-
drount les terres del Roy, &
un home prise ove le sang ac-
cuse de larcenie, nul bonie tes-
moigne estant port vers luy,
devoit purger luy mesme p le
serement de 27 homes, ou de 3.
Thanes. *Thanagii Regis* impleya
un certain pr des terts le roy,
ou propertie d q le rule & go-
vernment appertient a luy, q
par ceo est appel *Thanus* car
Demania Regis, & *Thanagia*,
significant li & mesme i chose.

being sick, and for fear of
death, or want of memory, or
of speech, should come so sud-
ly & hastily upon him, that he
should be prevented. If he have
the writing of his Testament,
desireth his neighbours and
friends to beare witness of his
last will, & then declareth the
same presently by words before
them, which after his decease is
proved by witnesses, and put in
writing by the Ordinary, and
then standeth in as good force
as if it had at the first in the
life of the Testator bene put
in writing: If it be not by
lands not devisable by cus-
tome.

Thanus.

THANUS is a word which some-
times significeth a Noble
man, sometimes a Freeman, a
Magistrate, an Officer or Mi-
nister, *Lambert in the word*
Thanus. *Walter Skene* saith, there
is a name of dignity, & apper-
teth to be equal with the Count
of an Earle. And *Thanus* was
a freholder holding his lands
of the King: and a man taken
with the manner accused, no
sufficient proof being brought
against him, must purge himself
by the oath of 27 men, or of 3.
The kings thanage significeth
certain part of the kings lands,
or property, whereof the rule &
government appertaineth unto
him. Whi therfore is called *Tha-
nus*, for the Kings Demanor
the Kings Thanage significeth
one and the same thing.

Tha-

Them.

Them. that is, that you shall have all the generations of your Milleines, with their suits and catcell, wheresoever they shall be found in England, except that if any bondman shall remaine quite one yeare and a day in any privileged Towne, he shall be receyved into their communalty, or guild, some of them, by that meanes he is deliuered from villeinage.

Theftbote.

Theftbote is when a man taketh any goods of a theefe to labour and maintaine him: but not when a man taketh the same goods that were stolne from him, &c.

The punishment in ancient tyme of Theftbote, was of life and member. But now at this tyme *Stamford* saith, it is punished by ransome and by imprisonment. But inquire further, for I thinke it be felony.

Title.

Title is where a lasefull cause is come upon a man to have thing which another hath, and which no action for the same, as Title of Mortmaine, or to come to by reach of condition:

Title de Entre.

Title de Entre is when one is seised of land in fee maketh a feoffment thereof upon condition, and the condition is

Then.

Then, hoc est, quod habetis totam generationem Villanorum vestrorum cum eorum sectis & catallis ubicunque in Anglia fuerint inventa, excepto quod si aliquis natus quietus per unum annum & diem in aliqua villa privilegiata manserit, ita quod in eorum communiam vel gildam, tanquam unus illorum repertus fuerit, eo ipso a villenagio liberatus est.

Theftbote.

Theftbote est quantum homo prist alium biens dum laron de luy favoriser & maintenir: Et nemy quant home prist les biens demesme, que fueront emblees de luy, &c.

Le punishment en aucien temps de Theftbote, fuit de vie & de member: Mes a ore *Maister Stamford* dit, que il est puni par ransome & emprisonnement. Sed quare, car ideo pense ceo esse felonie.

Title.

Title est lou loyal cause est veigne a un home de avoir chose que auter ad, & il nad aucun action pur ceo, come title de Mortmain, ou de enter pur condition enfreit.

Title de Entre.

Title de Entre est quantum un seise de terre en fee fait feoffement de ceo sur condition, & le condition est enfreit:

The Exposition of

freint : Ore apres le condition issint' enfreint, seoffor ad title de entre le terre, & issint poit quaut a luy pleist, & per son entrie le frankement serra dit en luy main-tenant.

Et est appel Title de Entre, pur ceo que il ne poit aver brieve de droit envers son seoffor sur condition, car son droit fuit hors de luy per le seoffement, le quel ne poit este reduce sans enter, & le enter doit estre p le entrejnder de le condition.

Tol ou Tolne.

TOL ou Tolne est pluis properment un payment use en Cities, villes, Markets, & Faïres, pur biens & chattels port la destre achate ou vende. Et est tous dits destre pay per le achatour, & nemy per le vendeur, sinon que soit ascun custome al contraire.

Il y ad divers auters Tols, come Turne Tol, & ceo est lou Tol est pay pur avers quux sont divers destre vendus, com q ils ne sont vendus.

Item Tol travers, ceo est lou un claime daver un ob. ou tiel semble Tol de chescun beast que est drive sur son terre.

Through Tol, est lou un ville prescribe de aver Tol p chescun beast que ale through leur ville, un certaine : ou per chescun vint ou cent, un certain : que ne appiert destre cy unreasonnable prescription ou

broken : Now after the condition thus broken, the seoffor hath title to enter into the land and may so doe at his pleasure, and by his entrie the frankhold shall be said to be in him simply.

And it is called Title of Enter, because that he cannot have a writ of Right against his seoffor upon condition, for his right was out of him by the seoffment which cannot be reduced without entrie, and the entrie must be for the breach of the condition.

Tol or Tolne.

TOL or Tolne is most properly a payment used in Cities, Townes, Markets, & Fayres, for goods and cattrells brought thither to be bought and sold : And is alwayes to be payd by the buyer, and not by the seller, except there be some custome otherwise.

There are others other Tols, as Turn Toll, & that is where Toll is payd for beasts that are driten to be sold, although that they be not sold indeed.

Also Toll travers, that is where one claimeth to have a halfe peny, or such like Toll of every beast that is driten over his ground.

Through Toll, is where a Towne prescribes to have Toll for every beast that goeth through their Towne, a certaine : or for every score or hundred, a certain : which sameth not to be so unreasonnable a prescription of custome.

custome, as some have thought, although it be thzough the king's highway (as they call it) where every man may lawfully goe, if that there be one thing for another: As if there be a bridge, or such like commodity, provided at the costs and charges of the Crowne, for the ease of Travellers that passe that way, where by their journey is either shortened or bettered, why then may not Toll be lawfully and with good reason demanded of them, &c.

But divers Citizens and Townsmen are free from paying Toll, by grant of the King or his ancestors, or do claime the same by prescription or custome. So also spirituall persons and religious men (as they call them) were quit of paying Toll for their goods and merchandizes bought and sold, &c. But now the Statute of King H. 8. Anno 21. c. 13. will that they shall not merchandize.

Also tenant in ancient demesne ought to be quit thzoughout the whole Realme of paying Toll, as appeareth before in the title Sokemans. And in all these cases where Toll is demanded where it ought not to be paid of them that should go buy & sell toll-free, there the party or parties grieved may have a Writ De cessendi quietum de telonio, directed to him or them that so demanded Toll contrary to the King or his progenitors grant, or contrary to Custome or prescription.

custome, come aucuns ont suppose, nient obstant il soit per le hault chemin del Roy (siccome ils ceo appel) loui chescun poit loyamment passe, si y ad quid pro quo: Come si la soit un pont, ou tiel semblable commodity, purvey al costs & charges del Ville, pur le ease de travailleurs q chascun mesme voy, per que lour journey est ou abridge ou fait le meliour, pur que donques ne poit Tol este demaund loyamment & ove bone reason de eux, &c.

Mes divers Citizens & Burgeses sont quit de payer Tol, per le grant del Roy, ou ses auncestors, ou claime ceo per prescription ou custome. Ilssint auxy espiitual persons & religious homes (come ils fueront appellees) fueront quite de Tol, pur lour biens & merchandizes achate & vendus, &c. Mes a ore le statute del Roy H. 8. anno 21. cap. 13. voit que ils ne merchandiseront.

Item tenants en ancient demesne doivent estre quite per toute le Realme de payer tol, come appiert devant en le title Sokemans. Et en tous ceux cases ou Tolle est demaunde ou il ne doit estre pay de eux que doient aler achate & vende quite de tol, la le party ou parties greeve poyent aver un brief De cessendi quietum de telonio, direct a luy ou ceux que issint demand Tolle contra al grant le roy ou ses progenitors, ou contra al Custome ou prescription,

The Exposition of

Toft.

Toft est un lieu en que un meale fuit un foits estcant mes é ore tout eschue ou erace.

Tolt.

Tolt (*Tolia*) yenuist del Latine *Tollo*, & est un briefer per q un cause dependant é un court baron poit estre illonques remove en le Countre court devant le Viscount: veies de ceo *Fitz. N.B. fol. 3. F. & v. N.B. fol. 2. a.*

Tonnage.

Tonnage est un custome ou impost pay al Roy pur merchandize import ou export en Tunnes, ou ascun tiels vessels, solongue un certaine rate en chescun Tunne. Et d ceo poies lier en lestatutes de 12. E. 4. ca. 3. 6. H. 8. cap. 14. 1. E. 6. c. 13. & 1. lac. cap. 33.

Totted.

Totted est un terme usé é lestatute de 42. E. 3. cap. 9. & signifie un note destre fait en le rolle des escheaters que issint hors del Eschequer al viscount, des tous tiels debtes come sont payes al viscount, issint que ne poyent estre aurerfoits demaund del party, ne le Roy deceive. Veies lestatute.

Transgressio.

Transgressio est un briefer ou action de trespas, de queux la sont deux sort, lan vicountiel, issint appel pur ceo que

Toft.

Toft is a place wherein a house once stood, but it is now all fallen, or pild downe.

Tolt.

Tolt comes from the Latine *tollo*, & is a writ by which a cause depending in a Court baron may be from thence removed into the County Court before the Sheriffe: see of this *Fitz. N. B. fol. 3. F. & Old N. B. fol. 2. a.*

Tonnage.

Tonnage is a custome or impost payd unto the King for merchandize carried out or brought in in Tunnes, or such like vessels, according to a certaine rate in every Tunne. And of this you may read in the statutes of 12. E. 4. c. 3. 6 H. 8. c. 14. 1. E. 6. c. 13. & 1. Jac. c. 33.

Totted.

Totted is a terme used in the statute of 42. E. 3. c. 9. & signifies a note to be made in the Escheat rolle that goes out of the Eschequer to the Sheriffe, of all such debtes as are payd unto the Sheriffe, so that they be not againe demanded of the party, nor the King deceived: See the statute.

Trespasse.

Trespasse is a writ or action of trespasse, whereof there are two sorts, the one vicountiel, so called because it is directed

sted to the Sheriffe, and is not returnable, but to be determined in the County: The forme wherof differs from the other, because that it hath not the words, *Quare vi & armis*, &c. F. N. B. fol. 85. g. The other is directed to the Sheriffe also, but it is returnable in the Kings Bench, or Common Pleas, & it hath alwaies in it these words *Quare vi & armis*, or else it shall abate, as it appeares in Fitz. N. B. f. 86. H. If not that it bee a trespassse upon the case, and then the words *Vi & armis* are left out, and in lieu thereof the writt shal say in the end thereof, *Contra pacem*, &c. as appeares in Fitz. N. B. fol. 92. E. And yet in some cases *Trespasse* upon the case shall bee *Vi & armis* also, though not in the point of the action, or the causa causata, yet in the conveyance to the action, or the causa causante, as it is well distinguisht in the Count de Salops case, in Coke lib. 9. fol. 50. b.

Travers.

TRavers sometimes signifieth to deny, so it comes to overthow or undoe a thing done: for the first W. p. 2. S. 54. speaking of an answer to a Bill in the Chancery, saith, That it is that which the defendant pleadeth or saith in barre to avoid the Plaintifes Bill or action, either by confession and avoyding, or by denying and traversing of the materiall points thereof: and again Sect. 56. a replication is the Plaintifes speech or

il est direct al viscount, & nest returnable, mes destre determine en le Countie: Le forme de que differt del autre pur ceo que nad ceux parolx, *Quare vi & armis*, &c. F. N. B. fol. 85. g. L'autre est direct al viscount auxy, mes est retournable en Banke le Roy, ou le common Banke, & avoit tous foits en ceo ceux parolx, *Quare vi et armis*, ou autrement il abatera, come appiert en Fitz. N. B. fol. 86. H. Sinon que soit un trespassse sur le case, & adonques les parolx *vi et armis* son wave hors, & en lieu d'eux le brieve dirra en le fine de ceo, *Contra pacem*, &c. come appiert en F. N. B. fol. 92. E. Et uncore en aucuns cases *Trespas* sur le case serra *vi et armis* auxy, cōment que nemy en le point del action, ou le *causa causata*, uncore en le conveyance al action, & le *causa causante*, come est bien distinguish en le Count de Salops case, in Coke li. 9. fol. 50. b.

Travers.

TRavers ascun foits implya a denyer, ascun foits a subvertir ou defaire un chose fait pur le primer W. est. p. 2. sect. 54. parlante d'un respons a un bil en le Chancery, dit, Que il est ceo que le Defendant pleade ou dit en barre de avoyder le Bil de Plaintife ou action, ou per confession & avoiance, ou per deniant & traversant des material points du y cel: Et arere sect. 55. un replication est le parlance del plaintife ou

Li 2

respons

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respons al respons del Defendaunt, que doit de affirmer & pursuer son Bil, & conuistre, & avoyder, denyer, ou traverser le respons del defendaunt, & les formal pols de cest travers sont, Sans ceo, ou en Latine, *Absque hoc: veies Kitch. fol. 227.*

En l'auter signification il est trove *Stamford prerog. cap. 20.* per tout le chapitre, que parlant del traversing d'un office, dit, Que ceo est riens auter, forsque approuver que un Inquisition fait de biens ou terres per le Eschetour est defective, & fauxment fait. Il sint traversing d'un indictment est a prendre issue sur le primer matter du ycel, que est riens auter adire q a faire contradiction, ou a denyer le point del indictment: Come en presentement vers A. pur un hault chemin surround ove ewe pur default de escourance d'un fosse que il & ceux que estate il ad en certaine terres la, ont use discowrer & clenser, A. poit traverser ou le matter, cest adire, Que la nest aucun hault chemin la, ou que le fosse est sufficient escowre, ou auterment il poit traverser le cause, Que il nad le Terre, &c. ou que il & ceux que estate, &c. ont use ce escowrer le fosse, *Lambert Eirenarchia lib. 4. pag. 521. de Travers, veies tout le Chapter en Kitch. fol. 240. Veies auxy le veiel Liver de Entries, verbo Travers.*

answer to the Defendants answer, which must affirme and pursue his Bill, & confesse and avoid, deny, or traverse the Defendants answer, and the formal words of this Travers are, without that, or in Latine *Absque hoc: see Kitch. fol. 227.*

In the other signification it is found *Stamford prerog. c. 20* the whole chapter, who speaking of the traversing of an Office, saith, That it is nothing else, but to prove that an Inquisition taken of goods or lands by the Escheatour is defective, and untruly made. So traversing of an Indictment is to take issue upon the chiefe matter thereof, which is nothing else to say, then to make contradiction, or to deny the point of the indictment: As in a presentment against B. for a high way overflowne with water for default of scooping of a ditch which he and they whose estate he hath in certaine land there, have used to scoope and clesse, B. may traverse either the matter, that is to say, That there is not any high way there, or that the ditch is sufficiently scoured: or otherwise he may traverse the cause, That he hath not the Land, &c. or that he and those whose estate, &c. have used to scoope the ditch, *Lambert Eirenarchia lib. 4. pag. 521. of Travers, see the whole Chapter Kitch. fol. 240. See also the old Booke of Entries, the word Travers.*

• Treason.

Treason.

TReason is in two manners, that is to say, graund Treason, and petit Treason, as it is ordained by the Statutes. And therefore looke the Statutes, and Stamf. lib. 1. cap. 2.

Treasure trove.

Treasure trove is when any money, gold, silver, plate or bullion is found in any place, and no man knoweth to whom the property is, then the property thereof belongeth to the king, that is to say, Treasure found. But if any Mine of Metall be found in any ground, that alway pertaineth to the Lord of the soile, except it be a Mine of gold or silver, which shall be alway to the king, in whose ground soever they be found.

Triall.

TRiall, there are many manners thereof, as of matters in fact, they shall be tryed by the Jurors, of matters in Law, by the Justices, of matters of Record by the Record it selfe: a Lord of Parliament upon an indictment of Treason or felony, shall be tryed by his Peers without any oath, but upon their honours and allegiance, but in appeals at the suit of any subject they shall be tryed per probos & legales homines. If ancient demesne be pleaded of a Manour, and denied, this shall be tryed by the Record of the

Treason.

TReason est en deux maners, cest a scavoir, hault Treason, & petit Treason, come est ordeine per les statutes. Et ideo vide statuta, & Stamf. lib. 1. cap. 2.

Treasure trove.

Treasure trové est quant ascü money, ore, argent, plate, ou bullion est trove en aucun lieu, & nul conuist a que le property est, donques le property de ceo appartient al Roy, & ceo est dit *Treasure trove*, cest adire, Treasure trove. Mes si aucun Mineral de metall soit trove en aucun terre, ceo rours soit perrient al Seignior del soile, forsque que il soit Mineral de ore ou argent, queux seront rours soit al Roy, en qunq soile q ils sont troves.

Triall.

TRial, la sont plusieurs maners de ceo, come des maters en fact, ils seront trie per les Jurors, de maters en ley, per les Justices, de maters de Record per Record mesme: un Seignior de Parliament sur indictment de Treason ou Felonie, serra trie per ses Peeres sauns aucun serement, mes sur leur honours & allegiances, mes en appeal al suit de aucun subject ils serra trie per probos et legales homines. Si ancient demesne soit pleade de un manour, & denie, ceo serra trie per le Record del Liure de

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Domesday en *Lefchequer*. Vn *Apostata* sera certifie per le *Abbot* ou auter religious *Governour* a que il doit obedience: general *bastardie*, excommengement, loyaltie de *matrimonie*, profession, & divers auters matters *Ecclesiastical*, serrount tries per le certificate del *Evesques*: Et un graund number des auters trials la sont, de queux veies *Coke lib. 9.* Le case le *Abbot* del *Strata Mercella*, fol. 23.

Booke of Domesday in the *Exchequer*. An *Apostata* shall be certified by the *Abbot* or other religious *governour* to whom he owed obedience: general *bastardy*, excommengement, loyalty of *marriage*, profession, and divers other matters *Ecclesiasticall* shall be tryed by the *Bishops* certificate: and a great number of other trials there are, wherof see *Coke lib. 9.* the case of the *Abbot* of *Strata Mercella*, fol. 23.

Trover.

TROVER est un action que home ad vers un auter que ayant trove aucun de ses biens refusa a delivrer eux sur demaunde. Veies le reel liv de *Entries*, parol *Trover*.

Trover.

TROVER is an action which a man hath against another that having found any of his goods refuseth to deliver them upon demand. See the old booke of *Entries*, word, *Trover*.

Tumbrel.

TUMBREL: veies de ceo en le title d' *Cuckingstoole*, & veies le statute de 51. H. 3. stat. 6. pur le use de ceo.

Tumbrel.

TUMBREL: see of that in the title of *Cuckingstoole*, and see the statute of 51. H. 3. stat. 6. for the use of it.

Turbary.

TVrbary (*Turbaria*) venust d' un vieux *Latine* parol *Turba*, q fuit use per un *turfe*, & *turbary* est un interest de foder *turfes* sur un common. Et trovers un assise port dun tiel common de *turbary* en 5. *Aff. pl. 9.* & 7. E. 3. fol. 43. b.

Turbary.

TVrbary comes from the old *Latine* word *Turba*, which was used for a *turf*, & *Turbary* is an interest of digging *turfes* upon a common. And you shall finde an *Assise* brought of such a common of *turbary* in 5. *Aff. pl. 9.* & 7. E. 3. fol. 43. b.

Turne del Viscont.

TURN del *Viscont* est u court de *Record* en tous choses que pertaine al *Turne*. Et est le *Terre* le *Roy* per tout le

Sheriffes Turne.

Sheriffes Turne is a Court of *Record* in all things that pertaine to the *Turne*: & it is the *Kings* *Laite* through all the County,

County, and the Sheriffe is Judge. And whosoever hath a Rite, hath the same authority within the precinct, as the Sheriffe hath within the Turne.

And this Court is to be kept twice in every yeare, once after Easter, and againe after Michaelmas, and that within one moneth after each feast, Anno 31. Edw. 3. cap. 15. From this Court are exempted only Archbishops, Bishops, Abbots, Priours, Cartes, Barons, all religious men and women, and all such as have hundreds of their own to be kept. This Court is appertaining and incident to the office of the Sheriffe, and ought not to be severed therefrom, and the Sheriffe is to appoint Clerkes under him in this Court, such as he will at his peril answer for: But he cannot prescribe to take any thing for the keeping of his Turne, because that he is an Officer removable. See Coke lib. 4. 33. & lib. 5. 12. and Master Daltons booke of Sheriffes, tit. Sheriffes Turne.

countie, & le viscount est Judge. Et quecunque ad un Leete, ad mesme le authority deins le precinct, sicome le viscount ad deins le Turne.

Et cest court est destre tenuis deux fois chescun an, un fois apres Pasche, & arere pais Michaelm, & ceo deins un mois apres chescun feast, anno 31. E. 3. cap. 15. De cest Court sont exempt solement Archevesques, Evêques, Abbots, Priours, Countes, Barons, religieux homes, & femes, & tous ceux queux ont Hundreds de leur demesne destre tenuis. Cest Cour est appertenant & incident al office del viscount, & ne doit estre sever de ceo, & le viscount est de constituer clerks soubz luy en cest Court, tiels pur que il voile a son peril responder: Mes il ne poit prescriber de prendre aucun chose pur le tener de son turne pur ceo que il est un Officer removable. Veies Coke lib. 4. 33. et lib. 6. 12. & Monsieur Daltons liver de viscounts, tit. Sherifes Turne.

V.

Value of marriage.

VAlore maritagii is a writ that lies for the Lord against his ward, to recover against him the value of his marriage at his full age, for that he was not married by his lord within age. And this writ

V.

Valore maritagii.

VAlore maritagii est un brief que gist pur le Sür vers son gard pur recover vers luy le value d son mariage a son plein age, pur ceo que ne fuit marry per son seigneur deins age. Et ceo briefe gist

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gift coment que le Seignieur ne unques tender al gard ascui convenable mariage. *V. Palmers case. Coke l. 3. fo. 126. b.*

Venew.

VEnew (*Vicinetum*) est un terme use en lestatute de 35. H. 8. cap. 6. & frequemment en nostre livres & signifie un lieu prochein a ceo lou ascun chose que venust destre trye est suppose destre fait. Et par ceo par le melior discovery del verity del matter en fait sur chescun trial, ascun des Jurors serront del m le Hundred, ou ascun foits de m le parish & que le chose est suppose destre fait, qux p intendment poient aver le melieux conusans del chose. *Veies Arundels case, Coke lib. 6. cap. 14. a.*

Verge.

VERge est le compasse environ le court le Roy que limit le jurisdiction del Seignieur Seneschal del hostel le Roy, & del Coroner del hostel le Roy, issint que il ne poientermeddle deins l' county hors del Verge, pur ceo que son office ne extende a ceo come le Coroner del County, ne entermodler deins le verge, car ceo suit exempt hors de sō office per le common Ley, & semble encounter reason que lour Offices & Jurisdicions esteant severall, que lun entermedlera deins le Jurisdiction del autre; Et cel verge semble destre douze milliares. *Veies*

although the lord never tendred unto the ward any convenient marriage. *See Palmers case, Coke l. 3. f. 126. b.*

Venew or Visne.

VEnew or *Visne* is a terme used in the statute of 35. H. 8. chap. 6. and often in our bookes, and signifies a place next to that where any thing that comes to be tryed is supposed to be done. And therefore for the better discovery of the truth of the matter in fact upon every tryall, some of the Jurors must be of the same hundred, or sometimes of the same parish in which the thing is supposed to be done, who by intendment may have the best knowledge of the matter. *See Coke 6. book fol. 14. a. Arundels case.*

Verge.

VERge is the compasse about the Kings court that boundeth the Jurisdiction of the Lord Steward of the Kings household, & of the Coroner of the Kings house, so that he cannot intermeddle within the County forth of the Verge, because that his office extendeth not thereunto, as the Coroner of the County cannot intermeddle within the Verge. for it is exempted forth of his office by the common law, & it seemeth against reason that their offices and jurisdictions being severall, that the one should intermeddle within the jurisdiction of the other; And this Verge seemeth to be

be twelwe miles. See 13. R. 3. Statut. 1. cap. 3. Fitz. N. B. fol. 441. Britton fol. 68. Fleta lib. 2. cap. 7. Coke lib. 4. fol. 46. 33. H. 8. c. 12.

Werge hath also another signification, and is used for a stick or rod by which one is admitted tenant, and holding it in his hand taketh the oath of fealty to the Lord of the Mannor, and for that cause is called tenant by the Werge. See old N. B. fol. 17. & Littl. lib. 1. cap. 10.

Verderor.

Verderor is an officer in the Forests of the King, chosen by the Freeholders of the County where the Forest is, by a writ of the King, directed to the Sheriffe to do it, as it appeareth by the bookes of the Register, and of the nature of writs, and are called in Latine Viridarii, as it seemeth of the word Viride, which is in English Greene, in French Verd, for a great part of their office is touching the Verd, to wit, the wood and grasse growing in the Forest, for which see more in the Charter and Lawes of the Forest.

Verde or Vert.

Vert comes of the French word Verd, and signifies with us in the Forest lawes every thing that doth grow and beares a greene lease within the Forest: And it is divided into ober Vert & nether Vert: ober Vert is the great woods, & nether Vert is the under woods.

13. R. 3. stat. 1. cap. 3. Fitz. N. B. fol. 441. Britton fol. 86. Fleta lib. 2. cap. 7. Coke lib. 4. fol. 46. 33. H. 8. cap. 12.

Verge ad auxy un autre signification, & est use pur un stick ou rod per q un est admit tenant, & tiendront ceo en son maine fait serement de fealty al Seignior del Mannor, & pur ceo est appel tenant per le Verge. Veies veiel N. B. fol. 17. & Littl. lib. 1. cap. 10.

Verderor.

Verderor est un officer on les forests del roy, esliu per les franktenants del countie lou le Forest est, per brieve del Roy, direct al Viscount de ceo faire, come appiert per les livers del Register, & del nature des briefes, & sont appellees en Latin Viridarii, come semble de le parol Viride, que est en Anglois Greene, en Francois Verd, car un grand part de leur office est touchant le Verd: cest a coveir, le bois & herbes cressant en le Forest, pur quel veies pluis en le Charter & Leyes del Forest.

Vert.

Vert venust de parol francois Verd (Viride) & signifie ovesque nous en les leyes del Forest chescun chose que cresse & port un fucille verde deins le Forest: & est divide en ober vert & nether vert: ober vert est le hault bois, & nether vert est le south bois.

The Exposition of

La est auxy en Forests un vert
appel special vert, & ceo est
tous arbres prescants en les
demefine bois le Roy deins le
Forest, & tous arbres queux
crescont en les boies des au-
ters, s'ils sont tiels arbres queux
portont fruiets pur le foder d's
dames, & ceux sont dits spe-
cial vert, pur ceo q le destruyer
de tiel vert est plus grandment
punyque le destrucion d'auter
vert est. Veies *Manwoods For-
leyes*, cap. 6. fo. 52. a.

View de franck pledge.

View de franck pledge (*Visus
franci plegii*) est le poyer
de tener un Tourne ou Leet,
en queux courts chescun frank-
home en auncient temps de
veigne lye ove suerties al age
de 14. ans pur son fidelity al
Roy & ses subjets. Et sur ceo
ceux courts fueront appels le
view d frankpledge, cest a sevoir
des tiels frankhomes l'ux de-
veignent icy pledges ou suer-
ties lun pur l'auter. V. *Deciners*.

View.

View est quauant aucun ac-
tion real est port, & le
tenant ne scauoir bien quel
terre il est que le demandant
demaund, donques le tenant
prier le view, s. quel il poyt
veler le terre que il claima.
Mes si le tenant ad ew le view
en un brieve, & puis le brieve
est abatus per misnomer de le
ville, ou per joynteure, & puis
le demandant port un tiel brief
vers le tenant, donques le re-

There is also in Forests a vert
called special vert, and that is
all trees that grow in the kings
owne woods within the Forest,
& all trees that grow there in
other mens woods; if they be
such trees as beare fruit to fed
the Wère, which are called spe-
cial vert, because the destroying
of such vert is moze grievously
punished then the destruction of
other vert is. See *Manwoods
Forrest Lawes*, chapter 6. fol.
52. a.

View of frank pledge.

View of frank pledge is the
power to hold a Courne of
Leet, in which Courts every
free man in ancient time became
bound with sureties at the age
of fourteen yeares for his truth
to the King and his Subjects.
And thereupon those Courts
were called the view of the
free pledges, that is to say, of
such freemen as were pled-
ges or sureties one for another.
See *Deciners*.

View.

View is when an action real
is brought, and the tenant
knoweth not well what land it
is that the demandant asketh,
then the tenant shall pray the
view, that is to say, that he may
see the land which he claimeth.
But if the tenant hath had the
view in one writ, and after the
writ is abated in misnaming of
the Towne, or by Joyceure, &
after the demandant bringeth
another writ against the tenant,
then

then the tenant shall not have the view in the second writ.

Vi Laica removenda.

Vi Laica removenda is a writ, and it lyeth where debate is betwene two Parsons or persons for a Church, and one of them entreteth into the Church with great power of Lay men, and holdeth the other out with force and armes, then he that is driven out shall have this writ directed to the Sheriffe, that he remove the power which is within the Church, and the Sheriffe shall be commanded, that if he find any men there withstanding, that the Sheriffe shall take with him the power of his County, if need be, & shall arrest the bodies of all them him withstanding, and shall put them in prison, so that he have their bodies before the King at a certain day, to answer to the contempt. And this writ is returnable, and it shall not be granted before that the Bishop of the place where such a Church is, hath certified in the Chancery such wrong and force.

Villeinage.

To hold in pure Villeinage, is to do all that that the Lord will him command.

The division of Villeinage, is of blood, and of tenure. And he is a villein of whom the Lord taketh redemption to marry his daughter, and to make him free, and it is he whom the Lord may put out of his lands

nant, naverá le view en le second briefe.

Vi Laica removenda.

Vi Laica removenda est un briefe, & gist lon debate est perenter deux Parsons ou proviseurs dun Eglise, & lun enter en le Eglise ove grand power de lay homes, & tient laus dehors ove force & arms, donques celui que est tenuis dehors averá le dit briefe direct al Viscount, que il remove cest power que est deins Lesglise, & ferra command al viscount, que sil trove aucun homes luy resistant, que le viscount prendra ovesques luy la poyer de son County, si besoygne soit, & ferra attache per leur corps tous ceux luy resistant, & les mettra en prison, issint que il eyt leur corps devant le Roy a certaine jour, d responder del contempt. Et cest briefe est retournable, & ne ferra graunt devant que le Evesque del lieu lon tiel Eglise est, eyt certifie en le Chancerie tiel resistance & force.

Villeinage.

Tener en pure *Villeinage*, est a faire tout ceo que le Sür luy voit commander.

Le devison de *Villeinage*, est villeine de sanke, & de tenure. Et il est villein de que son Sür prent redemption de sa fille marier. & soy mesme enfranchise, & le Seignieur puit luy ouste de ses terres ou tenements

The Exposition of

ments a sa volunt, & auxy de
souts ses biens & chateux.

Et nota bien, que Sockman
nest pas pure villeine, ne vil-
leine doit pas garde, mariage,
ne reliefe, ne faire auters ser-
vices reals.

Et nota bien, que tenure en
villeinage ne ferra nul franke
home villeine, sil ne soit con-
tinue ouster le temps de me-
mory, ne villeine terre ne fer-
ra franke home villeine, ne
franke terre ne ferra villeine
franke, sinon que le tenant a-
voit continue frankment ou-
ster le temps de memory.

Mes un villeine, ferra frank
terre villeine, per seisin, ou per
claime de son Seignior.

Et nota bien, que si villeine
purchase certaine terre, & pret
feme & alien, & devy devant
le claime ou seisin de son Sñr,
la feme ferra endowe.

Et nota bien, que en case
que le Seignior port *Præcipe
quod reddat* envers le alienee
son villeine, le quel vouch a
garranter le issue de le villeine
que est villeine al Seignior,
il avera le voucher. Et per
protestation le Seignior poit
(non obstant que il pleade
ove son villeine) save que
son villeine ne ferra my en-
franchise.

Et nota bien, que bastard ne
ferra jammes adjudge villein,
sinon per consens en court
de record.

Et nota bien, que si det soit
due per un Seignior a un frank
home, & il face deux homes

of tenements at his will, & all
of all his goods and chattell.

And note well, that a Sock-
man is no pure villeine, no a
villeine owerth not ward, mar-
riage, noz reliefe, noz to do any
other services reals.

And note well, that the te-
nure in Villeinage shall make
no freeman villeine, if it be not
continued ever sith time out of
munde: noz villeine land shall
make no freeman villeine, noz
free land shall make no villeine
free, except that the tenant have
continued free beyond the time
of memory.

But a Villeine shall make free
land villeine, by seisin, or by
claime of the Lord.

And note well, that if a villein
purchase certaine land, & take a
wife & alien, & dyeth before the
claime of seisin of the Lord, the
wife shall be endowed.

And note well, that in case
that the Lord bring a *Præcipe
quod reddat* against the alienor
of his villeine, which voucheth
to warrant the issue of the vil-
leine which is villeine to the
Lord, he shall have the voucher.
And by protestation the Lord
may (notwithstanding that he
plead with his villeins) save that
his villeine shall not be enfran-
chised.

And note well, that a bastard
shall never be adjudged villeine,
but by knowledge in Court of
Record.

And note well, that if debt be
due by a Lord to a freeman, and
he maketh two men his execu-
tors,

the which be villeines to
the said Lord, and byeth, the
same shall have an action of
treason against their Lord. And
withstanding that he plead
with them, and if he make pro-
cession, they shall not be there-
infranchised, for that they be
recober the debt aforesaid to
the use of another person, that
is to say, to the use of their ten-
ant, and not to their owne

And if the tenant in dower
be a villeine which purcha-
se certaine land in fee, & after
the tenant in dower entreteth, she
shall have the land to her and to
her heirs for evermore. And the
law is of tenant for terme
years of a villeine.

And note well, that the Lord
may robbe, beat, and chastise his
villeine at his will: save onely
that he may not maim him, for
then he shall have an appeale of
maim against him.

And note well, that a villeine
may have three actions against
his Lord, that is to say, an Ap-
peale of the death of his ances-
tor, an Appeale of rape done to
his wife, & an Appeale of maim.

And note well, if two parces-
ners bring a writ of Niefery, and
one of them be nonsuit, the non-
suit of him shall bee judged the
nonsuit of them both, so that if
that nonsuit bee after appe-
arance, they shall be barred from
that action for ever, for the law
is such in favour of Liber-

ses executors, les queux sont
villeines al dit Seignior, & de-
vie, les villeines averont ac-
tion de det envers leur Seignior.
Et nient obstant que il
plede ovesque eux, & il face
protestation, ils ne serront pur-
tant enfranchise, pur ceo que
ils sont de recober le det avat-
dit al use de un auter person,
cestascavoir, al use leur fresta-
tour, & nient a leur use de
mesme.

Et si le tenant en dower
eyt un villein, le quel purchase
certaine terre en fee, & puis le
tenant en dower enter, el a-
vera le terr a luy & a ses heirs
a tous jours. Et mesme le ley
est de tenant a terme de ans de
un villeine.

Et nota bien, que le Seigni-
our poit rob, nauster, & cha-
stiser son villein a son volunt:
save que il ne poit luy maim,
car donques il avera appel de
maim envers luy.

Et nota bien, que un villein
poit aver trois actions envers
son Seignior, cestascavoir, un
appeale de mort son ancestor,
un appeal d rape fait a sa fem,
& un appeale de maim.

Et nota bien, si deux parces-
ners port brieve de Niefery, &
l'un de eux soit nonsuit, le nō-
suint de luy serra adjudge le
nonsuint de ambideux, issint
que si le nonsuint soit apres ap-
pearance, ils serront barre de
ceste action a tous jours, car la
ley est tiel in favorem liber-
tatis.

The Exposition of

Et nota bien, si deux ont un villein en common, & l'un de eux fait a luy manumission, il ne sera my enfranchise envers ambideux.

Et nota bien, que en brieve de *Nativo habendo* il convient q le Seignior mostre comment le defendant ayeigne privie de sanke a celui villeine de que il est Seignior, &c. Et si il ne nul de ses ancestors ne soit seisie de nul de son sanke, il ne gainera per son Action, si le villein nad pas conus en court de record luy estre son villeine.

Et nota bien q en un brieve de *Niefry* ne purront estre mis plusieurs Niefes q deux tant seulement, & hoc introducum fuit prius in odium servitutis. Mes en brie de *Libertate probanda*, purront estre mis tants Niefes come le plaintif voudra.

Et nota bien, que si le villeine de Seignior soit fue en aucient demesne del Roy, ou autre ville privilege, deins lan & jour, le Seignior poit luy seiser, & si demurt en la dit ville ou lieu franchise p un an & jour, sans le seisine de son Seignior, il nad my power de luy seiser apres, si il ne va de hors le suissir franchise.

Et ascuns sont villeines per titre de prescription, cest a savoir, que tous leur sanke ont este villeines regardants a le manor dun Sir de temps dont memory ne curt.

Et ascuns sont fait villeines p leur confession en un Court

And note well, if two have villeine in common, and one of them make to him a manumission, he shall not be made free against both.

And note well, that in a writ de *Nativo habendo*, it behooveth that the Lord shew how the defendant cometh to be putty of the blood of the villein of whom he is Lord, &c. And if he nor none of his ancestours were not seised of none of his blood, he shall not win by his action, if the villeine have not knowledged in court of Record himselfe to be his villeine.

And note well, that in a writ of *Niefry* may not be put more Niefes than two onely, & this was first brought in in hatred of bondage. But in a writ de *Libertate probanda* may be put as many Niefes as the plaintiffe will.

And note well, that if the villeine of a Lord be tied in aucient demesne of the King, or other towne privileged within a year & a day the Lord may seise him, & if he dwell in the same towne or other place franchised by a year & a day, without seisin of the Lord, he hath no power to seise him after, if he go not out of the foresaid franchise.

And some be villeines by title of prescription, that is to say, that all their blood have bene villeines regardants to the manor of the Lord from time out of minde.

And some be made villeines by their confession in a Court

of Record. Also the Lord may make a manumission to his villeine, and maketh him free for ever.

Also if the villeine bring any action against his Lord, if it be not appeale of malhem, and the Lord without protestation make answer unto it, then by this the villeine is made free.

Also if a villein purchase land, & hath goods, & sell the goods & lands before any entry or seisin made by the Lord, the sale is good. But the King which is Lord of a villeine, in such case may enter and seise the land after such sale made, For no time runneth against the King.

Villeinous judgment.

Villeinous judgment is that that is given upon an Indictment of conspiracy, sz. that the party found guilty shall lose the benefit of the law, shall never more be sworn in juries or assizes, nor admitted to give any testimony elsewhere: & if he have to do in the Kings courts, that he shall come by attorney, and not in person, that his lands, goods & chattels shall be seised into the Kings hands, and stripped if he finde not the more labour, and his trees digged up, and his body imprisoned. *See 24. E. 3. 14. b. & 27. Aff. pl. 59.*

Viscount.

Viscount is either the name of a degree or state of honour under an Earle, and above a Baron, or else the name of a

de Record. Auxy le Shr poye faire un manumission a son villeine, & luy infranches a tous jours.

Auxy si le villeine portascun action vers son Seignior, si ne soit appeale de malhim, & le Seignior a c'sans protestation fait respons, donques per ceo le villeine est franchises.

Auxy si un villeine purchase terre, & ad biens, & vend les terres & biens devant ascū entre ou seisin fait p le Seignior, la vender est bon: mes le roy, q est Shr de villein, en tiel case poit enter & seiser le terre apres tiel vendition fait, *Quia nullum tempus occurrit Regi.*

Villeinous judgement.

Villeinous judgement est ceo que est done sur un Indictment del conspiracy, sz. q le party trove culpable perdera son franke ley, ne serra plus mise en Juries ou Affises, ne aylors en testmoignance del verity. Et sil ad faire en Courts le Roy que face son atourney, & que ses terres, biens, & chattels sont seises en maines le Roy, & estrepes sil ne poit melior grace aver, & ses arbres eraces, & son corps imprison. *Veies 24. E. 3. fol. 34. b. & 27. Aff. pl. 59.*

Viscount.

Viscount est lou le nosme de un degree ou state de hon sous un Countee, & paramoût un Baro, ou le nosme de un

The Exposition of

un Magistrate & Officer del graund authority, & nous comunement appellom (Sheriffe) ou de parler plus veräiment (Shire reve) & fuit al prim appel (shire gereve) cest adire Cu stos comitat, ou le reve ou Ruler, del Countie, car (Gereve) esteant deriue de Saxon parol (Gerecean) p rule, fuit al prim appel (Gerecea) & donqs (Gerecea) que betoken un ruler.

Et de ceo vient (Portreve ou Portgreve) un nosme que en viel temps fuit done al chief Officer d'un Ville, & signifie le governor del Ville, pur ceo que (Port) veniens de le Latine parol (*Portus*) signifie un port Ville, & (Gereve) esteant deriue, cöe est avantdit, signifie un Ruler, issint que Portgreve, ou cöe nous a ore briefment parle ceo (Portreve) est le Governour del Ville.

Et issint fuit le chiefe Officer ou Governor del Citie de Londres long temps past (devant que ils ad le nosme del Maior ou Bailifes) appel, come il appiert en divers vieulx monuments: Mes principalement en le Saxon Charter de *Guiliam Bastard le Conqueror*, & issint commence.

William le King greit William Biscope & Godfrey ges port Gerefant, & dalle tha Burwæren theon Londonbeon, &c.

Issint ils de Germany (de q nous & nostre language ensemble primerment vient) appel entier eux un governour *Burgreeve*, un auter *Margreeve*,

Magistrate & Officer of great authority, whom we commonly call (*Sheriffe*) or to speak more truly (*Shire reve*) and was at the first called (*Shire gereve*) that is to say, the keeper of the Shire, or the Ræbe or Ruler of the Shire, for (*Gereve*) being derived of the Saxon word (*Gerecean*) to rule, was first called (*Gerecea*) and then (*Gerefa*) which betokeneth a Ruler.

And hereof cometh (*Portreve* or *Portgreve*) a name that in old time was given to the head Officer of a Towne, and signifieth the Ruler of the Towne, for that (*Port*) coming of the Latine word (*Portus*) signifieth a Port towne, and (*Gereve*) being derived as is aforesaid, signifieth a Ruler, so that *Portgreve*, or as we now shorter speak, a *Portreve*, is the Ruler of the Towne.

And thus was the head Officer or Governour of the City of London long since (before they had the name of *Mayor* or *Bailifes*) called as it doth appeare in divers old monuments: but chiefly in the Saxon Charter of *William Bastard the Conqueror*, which thus beginneth.

William the king gretereth Willam the Bishop, and Godfrey the Portreve: & also the Citizens that in London be. &c.

So also they of Germany (from whom we and our language together first came) call among them one governour *Burgreve*, another *Margreve*, and another

another *Lansgræve*, with such
like, &c.

Thus much is said onely to
show the right Crymon and an-
tiquity of the word (*Sheriffe*)
in which Officer our Common-
law hath alwayes accordyng-
ly given great trust and antho-
rity, as to be a speciall preser-
ver of the peace. And therefore
all obligations that he taketh to
the same end, are recognisances
in law.

He also is a Judge of Re-
cord when he holds the *Leets*
in Turnes, which are Courts
of Record.

Also he hath the execution &
returne of writs, and impan-
nelling of Juries, and such
like, &c.

Uncore prist.

Uncore prist is a plea by the
defendant in debt upon an
obligation, who being sued be-
cause he did not pay the debt at
the day, pleads to save the for-
feiture, that he tendered the mo-
ney at the day and place, & that
no day was there to receive it:
& says over that he is per vena-
ble to pay it. And where a man
ought to plead over, that he is
per ready, and where not, see in
Perkins sect. 78. & 784. & *Coke*
3. b. f. 79. a. b. in *H. Peytors case*.

Volunt.

Volunt is when the tenant
holdeth at the will of the les-
sor, or of the lord, and that is in
two manners.

One is, when I make a lease

& un autre *Lansgreve*, ore
tielx semblables, &c.

Cest tant est dit tant sole-
ment par monstre le droit Cry-
mon & antiquity de pol (*She-
rife*) a quel Officer nostre
common ley ad tous foits ac-
cordant done grande confidence
& authority, come destre un
special preserver del peace. Et
pur ces tous obligations que
il prist a mesme le purpose,
sont come recognisance en ley.

Il auxy est un Judge de Re-
cord quant il tient les *Leets* ou
Turnes, les queux sont courts
de record.

Item il ad le execution & re-
tourne des *Briefes*, & impan-
nelling des *Juries*, & tielx sem-
blables, &c.

Uncore prist.

Uncore prist est un plea par
le defendant en det sur
obligation, que estant sue par
ceo que ne paye le debt al jour
plead pur saver le forfeiture &
il rendre les deniers al jour &
lieu, & que nul fait la pur re-
cevoir: & dit ouster que il est
uncore prist de payer. Et lors
home doit pleader ouster un-
core prist, & lou nemy, veies
en *Perkins* sect. 783. & 784.
& *Coke* lib. 3. fo. 79. a. b. in *H.
Peytors Case*.

Volunt.

Volunt est quant le Tenant
eyent a le volunt del Lessor
ou del Seignior, & ceo est en
deux manners.

Un est, quant aco face lease a
Mm

The Exposition of

un home de terre, a tener a ma volunt, donques ito puisse luy ouster a mon pleasure: Mes si il embles le terre, & iso luy ouste, donques il avra son emblement, & egressie & regresse i esquelz ilz sont maturez pour eux seier & carier hots d'ilz.

Et tel tenant a volunt nest pas tenu de sustainer & repayer le maison, come Tenant a terme de ans est tenu: Mes si il fait voluntary waste, le lessor avra vers luy action de Trespasse.

Auxy la est auter tenant a volunt del Seignior, per Copy de Court Rol selonque le custome del Mannor: Et tel tenant pozt surrender le terre en le maines le Seignior per le custome al use un auter pur terme de vie, ou en fee simple, ou fee taile, & donqz il prendra le terre del Seignior ou son Beneschal p copie, & ferra fine al Seignior: Mes si le seignior ouste tel Tenant, il nad remedy mes de suer per petition, & si tel Tenant vult implead un auter des terres, & c. il covient enter un plaid en le Court, & counter un declaration de quel brief il soit, si come le case gist.

Voucher.

Voucher est quant Prae-cipe quod reddat de terre est port vers un home, & un auter doit garrant le terre al Tenant, donques le Tenaunt luy vouchera a garrantie, & sur ceo il avra

to a man of lands, to hold at my will, then I may put him out at my pleasure: But if he sow the ground, & I put him out, then he shall have his coze and going out & coming in till they be ripe to cut and carry out of the ground.

And such tenant at will is not bound to sustaine & repaire the house, as a tenant for terme of yeares is bound: But if he make willfull waste, the lessor shall have against him an action of Trespasse.

Also there is another Tenant at will of the Lord, by copy of Court Roll according to the custome of the Mannor: and such a tenant may surrender the Lands into the hands of the Lord by custome to the use of another for terme of life, or in fee simple, or in taile. and then he shall take the land of the Lord, or his Steward by Copy, and shall make fine to the Lord: But if the Lord put out such a Tenant, he hath no remedy but to sue by petition, and if such a tenant will implead another of the Lands, &c. he ought to enter a plaint in the court, and shall declare in the nature of what writ he will, as the case lieth.

Voucher.

Voucher is when a Prae-cipe quod reddat of Land is brought against a man, and another ought to warrant the land to the Tenaunt, then the Tenaunt shall vouch him to warranty, and thereupon he shall have.

hath a writt called Summoneas ad warrantizandum: And if the Sheriffe retorne that he hath nothing by the which hee may be summoned, then there shall go forth a writt called Sequatur sub suo periculo; and when hee cometh hee shall plead with the demandant, and if he come not, or if he come and cannot barre the demandant, then the demandant shall recover the land against the tenant, and the Tenant shall recover as much land in value against the Wouchee, & thereupon shall have a writt called Capias ad Valentiam, against the wouchee.

Look more of Woucher before in the title of Garrantie.

Vses.

Vses of Land had beginning after that the customs of property began amongst men: as where one being seised of lands in Fee simple, made a feoffment to another without any consideration, but onely meaning that the other should be seised to his use, and that he himselfe should take the commodity and profits of the lands, and that the feoffee should have the possession and franktenement thereof to the same use, &c.

Now after this, upon good considerations, and to avoid divers mischiefes and inconveniencies, was the Stat. of an. 27. H. 8. c. 10. provided, which uniteth the use and possession together, so that whosoever the use of the Land, the same hath the

un Briefe appel Summoneas ad warrantizandum: Et si le Viscount retorne que il n'ad riens per que il poyt este summon, donques issira briefe appell Sequatur sub suo periculo; & quans il vient il pleadera ovesque le demandant, & si vient & ne poit barre le Demaundant, donques le Demaundant recouvrera le terre vers le Tenaunt, et le Tenaunt recouvrera tant de terre en value vers le Vouchee, & sur ceo il avra un Briefe appel Capias ad Valentiam, vers le Vouchee.

Vide plus de Voucher devant, tit. Garrantie.

Vses.

Vses de terre ad son commencement apres que le custome de perty commence entre homes: come ou un essant seise de terres en Fee simple, fait un feoffment al un autre sans aucun consideration, mes seulement meaning q l' autre serroit seise al son use, & que il mesme voile prendre le commoditie & profits d les terres, & que le feoffee doit aver le possession & franktenement d ceo al mesme le use, &c.

Ore apres ceo, sur bone considerations, & par avoyer divers mischiefes & inconveniencies, fuit le Stat. de an. 27. H. 8. ca. 10. parview, quel uniter le use & possession ensemble, issint que il que ad le use de terre, & il mesme ad le possession

The Exposition of

fion de eco, accordant al use que il avoit en ceo per vertue de cest estatute.

Usury.

USury est un gaine de tascun chose ouster le principal, ou ceo q fuit lent, exact solement en consideration de le loan, soit il de Corne, Viande, Apparel, Wares, ou tiex semblables, come de money.

Et icy mult poyt estre dit, & divers cas es poyent estre mys concernants Usury, le quel de purpose ioo omit, solement icopria, que ceux que accompt eux mesmes religious & bone Christians ne voylent deceivre eux mesmes per colour de le statute de Usury, pur ceo que le statute dit, que il ne serra loyal pur aucun de prendre ouster x.li. en le C.li. pur un an, &c. per que ils collect (mes fauxment) que il poyent per ceo prendre x. li. pur le loan dun C.li. ove un bone conscience, pur ceo que le Statute solongue un maner dispence ove ceo, (pur ceo que il ne punish tielx prendors) quel chose il ne poyt fayre ove les Leyes & Ordinances de Dieu, car Dieu voyle aver ses decrees observe inviolable, que dit, Lend, expectant pur nul chose pur ceo, &c. Per queux parolx est exclude, le prisel de x.li. v. li. ou de un denyer ouster le principal. Mes plus pensant tiels. que cest Statute fuit fait sur tiel semble cause que movent *Moses* de doner un bil de

possession thereof, according to the use he hath therein by vertue of that Statute.

Vfsury.

USury is a gaine of any thing above the principall, or that which was lent, exacted only in consideration of the loan, whether it be Corne, Wheat, Apparell, Wares, or such like, and money.

And here much might be said, and many Cases might be put concerning Usury, which of purpose I omit; onely I saith that they who account themselves religious and good Christians, would not deceibe themselves by colour of the Statute of Usury, because the Statute saith, that it shall not be lawfull for any to take above x. li. in the C. li. for a yeare, &c. whereby they gather (although falsly) that they may therefore take x. li. for the loans of an C. li. with a good conscience, because the Statute doth after a soyt dispence withall, (for that it doth not punish such taking) which thing it cannot doe with the Lawes and ordinances of God, for he will have his decrees to be kept inviolable, who saith, Lend, looking for nothing thereby, &c. by which words is excluded either the taking of ten pound, or five pound, yea, or one peny above the principall. But rather let such thinke, that Statute was made upon like cause that moved *Moses* to give a bill of divorce to the

Iste

Israelites, as namely to a-
void a greater mischiefe, and
for the hardnesse of their
hearts.

And now let all men know,
that by the Statute of 13. Eliz.
chap. 8. hee that takes under ten
pounds for the loan of C. li. for
a yeare, shall forfeit the interest
so taken; and therefore the sta-
tutes give no countenance or
protection to Usurers: And to
say so is a slander to our Law.
And the Statute of 21. Jac. chap.
17. hath expressly ordained that
no word in that law shall be
construed and expounded to al-
lowe the practice of Usury in
point of Religion or Con-
science.

Utlary.

Utlary, is when an Exigent
goeth forth against any man,
to appeare in any Court to make
answer to any action or indit-
ment, and Proclamation made
in the Countie, then at the
first County if the defendant ap-
peare not, then the Coroner
shall give judgment that hee
shall be out of the protection of
the King, and out of the ayde of
the Law.

And by such an Utlary in Ac-
tions personals, the party out-
lawed shall forfeit all his goods
and chattels to the King.

And by an Utlary in felonie
he shall forfeit as well all his
lands and tenements that hee
hath in fee simple, as for terme
of his life, as his goods and
chattels.

divorce a les Israelites, come
nosmement pur avoyder un
greinder mischiefe, & pur le
duritie de leur cœurs.

Et a ore tous gents sachant
que per lestatute de 13. Eliz.
cap. 8. cestuy que prist desous
x. li. pur le loan dun C. li. pur
un an, forsciter l'interest issint
prise; & pur ceo les statutes ne
donont aucun countenance ou
protection as Usurers: Et is-
sint adire est un mentery con-
trouuee contre nostre ley. Et
lestatute de 21. Jac. cap. 17. ad-
ordeine expressement que nul
parol en ceo ley serra construe
ou expound pur alower le per-
sice del usury, en point del
Religion, ou Conscience.

Utlarie.

Utlarie, est quant un Exi-
gent issint vers aucun ho-
me de appaerer en aucun
Court de faire respons a au-
cun action ou inditment, &
Proclamation fait en 5. Coun-
ties, & si le defendaut ne
appeare, donques le Coro-
ner donera judgement que
il serra hors de protection
de Roy, & hors del aide le
Ley.

Et per tiel utlarie en Actions
personals, le partie utlage for-
scitera toutes ses biens & cha-
teux al Roy.

Et per utlary en felony il
forscitera auxy bien tous ses
terres & tenements que il ad
en fee simple, ou pur terme de
sa vie, come ses biens & cha-
teux.

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Auxy mesque un home soit utlage, uncore si aucun discon-
tinuance ou erreur soit en la
suint del Proces, le party de ceo
avera la advantage, & per tiel
cause l'utlagary serra reverse
& adnulle.

Auxy si le party defend soit
ouster la Mere al temps del
utlagarie pronouncee, ceo est
bone cause de reversal de
utlagarie.

Auxy si un Exigent soit ag-
gard vers un home, & un coun-
te lou il ne demur pas, un-
core un Exigent ove Procla-
mation issira al county lou il
demurre, ou autrement fil soit
sur ceo utlage, utlagarie poit
este reverse, come appiert per
lestatute fait Anno 6. & 4 H.
8. cap. 4.

Auxy si un soit utlage en a-
ction personal al suint dun au-
ter, & puis il purchase so char-
ter de pardon de Roy, tiel
charter ne sera j'apais allowe,
tanque il ad sue un brieve de
Seire facias de garri le party
plaintife, & si il appare, don-
ques le defendand respondera
a luy, & luy barref de sa action
ou autrement de false agrement
ovesque luy.

Vtrum.

Vtrum est un brieve, & gift
quaunt le droie de aucun
Eglise est aliene & tenu en
lay fee, ou translate en posses-
sion d'auter Eglise, & alienour
devie, donques son successeur
avera le dit brieve, perque un
enquest serra charge de trier

Also though a man be out-
lawed, yet if any error or dis-
continuance be in the suit of the
proces, the party thereof shall
have advantage, and for such
cause the utlagary shall be reversed
and adnulled.

And if the party defendand
be over the Sen at the time of
the Utlagary pronounced, that is a
good cause of the reversal of the
Utlagary.

Also if an Exigent be award-
ed against a man in one coun-
te where he dwelleth not, yet
an Exigent with Proclamation
shall goe forth to the County
where he dwelleth, or else if he
be thereupon outlawed, the Ue-
lary may be reversed, as it ap-
peareth by the statute made the
6. and 4. yeare of King H. 8. c. 4.

And if a man be outlawed in
action personal at the suit of a-
nother, and after he purchase
his Charter of pardon of the
King, such Charter shall never
be allowed, till hee hath sued a
writ of Seire facias to warrant the
party plaintife, & if he appeare,
then the defendand shall answer
him, and bar him of his action,
or else to make agreement with
him.

Verum.

Verum is a writ, & it hold
when the right of any church
is aliened & holden in lay fee, or
translated into the possession of
any other Church, & the alle-
nour devie, then his successeur
shall have the said writ, where-
of an enquest shall be charged to

try whether it be the free almes
of the Church, or lay fee.

And note well, that none that
have Robert or common seale,
may maintaine this writ, but a
writ of Entre sine assensu Capi-
tuli, of the alienation made by
his predecessor.

*Utrum sit libera elemosyna Ec-
clesia, vel laicum feudum.*

Et nota, que nul que ad co-
vent ou common seale, poit
maintenir cest briefe, mes
briefe de Entre sine assensu Capi-
tuli, de alienation fait per son
predecessor.

W.

Wage.

WAge, is the giving se-
curity for the perfor-
ming of any thing; as
to wage Law, & to wage deliv-
rance, which se before in Gage.
None wargeth law against the
king, Brook tit. Chose en Action,
nu. 6. See Law.

Waife.

WAife, is when a theefe hath
feloniously stolen goods, &
being nearly followed with hue
and cry, or else overcharged
with the burden or trouble of
the goods, for his ease sake and
more speedy travailling, without
hue and cry, flyeth away, and
leaveth the goods or any part of
them behinde him, &c. then the
Kings officer, or the Reeve or
Bailiffe to the Lord of the man-
nor (within whose jurisdiction
or circuit they were left) that by
prescription, or grant from the
king, hath the franchise of
waife, may seise the goods so
waived to their Lords use, who
may keepe them as his owne
proper goods, except that the

W.

Wage.

WAge est le donant se-
curity par le perfor-
mance de ascun cho-
se; come a gager ley, & a gager
deliverance, queux veies devāt
en Gage. Nul gagera ley en-
couter le Roy, Brook tit. Chose
en Action nu. 6. Veies Ley.

Waife.

WAife, est quant un laron
ad feloniously emblee
biens, & esteuant neerement
pursue ove hue & crie, ou au-
terment surcharge ove le bur-
den ou trouble des biens, par
son ease & plus speedy travaille
sans hue & cry, sua & waive les
biens ou ascun part de eux a-
rere luy, &c. donques le offi-
cer del Roy, ou le Reeve ou
Bailiffe al Seignieur del man-
nour (deins que jurisdiction
ou circuit ils fueront waife)
que par prescription, ou grant
de roy, ad le franchise de waif,
poyent seiser les biens ainsi
waife al use de leur Seigniors,
que poyent retaine eux come
ses proper biens, sinon que le

owner vient ovesque fresh suit apres le felon, & sue un appeale, ou done en evidence envers luy al son arraignment sur le indictment, & il est attainx de ceo, &c. En queux cases le primer owner avera restitution de ses biens issint emblee & waife.

Mes nient obstant, come ad este dit, waife est properment de biens emblees, uncore waif poyt este auxy de biens nient emblees: Come si un home soit pursue ovesque hue & cry, come un felon, & il sue & relinquisa ses biens demesne, &c. ceux sernt prise come biens waife, & forfeit come ils ad este emblees.

Mes veies *Foxleyes case*, *Coke lib. 5. fol. 109. b.* que ceux ne sont bona waiviana; sed bona fugitivorum queux ne sont forfeits tanq soit trove devant le Coroner, ou autrement de record que il sua pur le felony.

Waife.

Waive, est un feme que est urlage, & il est appel waive, quasi relicta a lege, & nemy urlage come home: Car femmes ne sont jures en Leets al Roy, ne al ley, come homes sont, & pur cest cause ils ne poyent este dit urlage, entant q ils ne unques fueront deins ceo. Veies *Fitz. N. B. fo. 161. A.*

Mes un home est dit urlage, pur ceo que il fuit un foits jure a le ley: Et a ore pur contempt

owner come with fresh suit after the felon, & sue an appeale, or give in evidence against him at his arraignment upon the indictment, and he be attained thereof, &c. In which cases the first owner shall have restitution of his goods so stolen and waived.

And although, as hath bene said, waife is property of goods stolen, yet waife may be also the goods that are not stolen: As if a man be pursued with hue and cry, as a felon, and he flyeth and leaveth his owne goods, &c. these shall be taken as goods waived, and forfeit as if they had bene stolen.

But see *Foxleyes case*, *Coke lib. 5. fol. 109. b.* that these are not goods waived, but goods of fugitives, which are not forfeited till it be found before the Coroner, or otherwise of record that he fled for the felony.

Waive.

Waive, is a woman that is outlawed, and she is called waife, as left out or forsaken of the law, & not an outlaw as a man is: For women are not sworn in Leets to the King, nor to the Law, as men are, who therefore are within the Law, whereas women are not, & for that cause they cannot be said outlawed, in so much as they never were within it.

But a man is called outlaw, because that he was once sworn to the Law: And now for contempt

tempore is put out of the Law,
is called outlaw, as one should
be without benefit of the law.

Wapentake.

WApentake is al one with that
which we call Hundred, as
appeareth by Bract. lib. 3. tract.
2. chap. 1. in the end. Master
Lambert in his explication of
Saxon words, word Centuria,
saith, That this word Wapen-
take is more especially used at
this day in the Countreys be-
yond the River Trent: And in
the lawes of King Edward (by
him set forth) num. 33. it is most
plaine in these words, And
what the English terme Hundred,
the foresaid Countreys call Wa-
pentake.

The Statutes An. 3. Hen. 4.
c. 2. and An. 9. Hen. 6. c. 10 and
An. 15. Hen. 6. c. 7. make mention
of Staincliffe Wapentake, and
Friendlesse Wapentake in Cra-
ven in the Countrey of Yorke:
See Roger Hoveden, part. postier.
Annal. fol. 346.

Ward. n.

WArden is of the same signi-
fication as is the French
word Gardeine, and therefore
of this see more in the title Gar-
deine: But it is the most usual
word of all that write in Eng-
lish, for him that hath the cu-
stody and charge of any person
or thing by office, as Wardens
of the Fellowships in London,
Anno 14. Hen. 8. cap. 2. War-
den Courts, Anno 31. Hen. 6.
cap. 3. Warden of the Marches,

il est mis hors del ley, & dicitur
outlawus, quasi extra legem
positus.

Wapentake.

WApentake est tout un ovo-
ceo que nous appellomus
Hundred, come appiert per
Bract. Lib. 3. Tract. 2. Cap. 1.
num. 1. in fine. Monsieur Lam-
bert en son explication de Sa-
xon parols, verbo Centuria, dit,
Que cest parol Wapentake est
pluis especialment use a cest
jour en les pays ouster le fluve
de Trent: Et en les Leyes del
Roy Edward (per luy public)
num. 33. il est fort plaine en
ceux parols, Et quod Angli vo-
cant Hundredum, supradicti co-
mitatus vocant Wapentakium.

Les Statutes Anno 3. Hen.
5. cap. 2. & Anno 9. Hen. 6. cap.
10. & Anno 15. H. 6. cap. 7. font
mention de Staincliffe Wapen-
take, & Friendlesse Wapen-
take en Craven en le Countrey
de Everwicke. Veies Roger
Hoveden part. post. An. fo. 346.

Warden.

WArden est de mesme signi-
fication come est le parol
Francois Gardeine, & pur ceo
veies pluis en le title Gardein:
Mes il est le pluis usual parol
de tous que escrivent en An-
glois, pur luy que ad le custo-
die ou charge de ascun person
ou chose per office, come War-
dens & Fraternities & Londres,
Anno 14. Hen. 8. cap. 2. War-
den Courts, Anno 31. Hen. 6.
cap. 3. Warden del Marches
Anno

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Anno 4. H. 7. cap. 8. Ferry warden. Anno 18. Eliz. cap. 10. & Anno 27. Eliz. cap. 16. Wardens del peace, Anno 2. E. 3. cap. 3. Wardens del West Marches, Cambden Brit. pag. 606. Warden del Forest, Manwood part. 1. pag. 111, 112. Wardens del Aulnage, Anno 18. H. 6. cap. 16. Warden del Armour le Roy en le Tower, Anno 1. Edw. 4. cap. 1. Chiefe Warden del Forest, Manwood part. 1. pag. 42, 43. Warden del Wardrobe le roy, Anno 5. H. 3. Stat. 5. Wardens des Tables del Eschange le roy, Anno 9. Ed. 3. Statut. 2. cap. 7. & Anno 9. Hen. 5. Statut. 2. cap. 4. Warden des Rolles del Chancerie, Anno 1. Edw. 4. cap. 1. & 5. Et Wardens & Communalte des Terres contributory al Rochester Bridge, Anno 18. Eliz. cap. 17.

Wardmote.

Wardmote est un terme mention en lestatute de 32. H. 8. cap. 17. & signifie un Court que est tenu en chescun ward en Londrs, & est usualment appel le Wardmote Court, ou le Wardmote Enquest.

Warrantia diei.

Warrantia diei est un briefe que gist en cas leu home ad jour en aucun action sue vers luy de appeare en proper person, & le roy a cest jour ou devant luy mande en aucun services, issint que ne poit appeare al jour en court, don-

Anno 4. H. 7. cap. 8. Ferry warden, Anno 18. Eliz. cap. 10. & Anno 27. Eliz. cap. 16. Wardens of the Peace, Anno 2. Edw. 3. c. 3. Wardens of the West Marches, Cambden Brit. pag. 606. Warden of the Forest, Manwood part. 1. pag. 111, 112. Warden of the Winage, Anno 18. H. 6. cap. 16. Warden of the Kings Armour in the Tower, Anno 1. Edw. 4. cap. 1. Chiefe Warden of the Forest, Manwood part. 1. pag. 42, 43. Warden of the kings Wardrobe, Anno 5. Hen. 3. Stat. 5. Wardens of the Tables of the Kings Exchange, Anno 9. Edw. 3. Statut. 2. cap. 7. & Anno 9. H. 5. Statut. 2. cap. 4. Warden of the Rolles of the Chancery, Anno 1. Edw. 4. cap. 1. & 5. And Wardens and Communalty of Lands contributory to Rochester Bridge, Anno 18. Eliz. cap. 17.

Wardmote.

Wardmote is a terme mentioned in the Statute of 32. H. 8. cap. 17. and it signifies a court that is kept in every ward in London, and is usually called the Wardmote Court, or the Wardmote Inquest.

Warrantia diei.

Warrantia diei is a writ that lyes in case where a man hath a day in any action sued against him to appeare in proper person, and the King at that day or before imploies him in some service, so that he cannot appeare at the day in court, then

he may have this writ directed to the Justices, that they shall not record him to be in default for his not appearing. And see of this Fitz. N.B. fol. 17. A. and for the forms of the writ see Glanville also, lib. 1. cap. 8.

Warrantia charta.

Warrantia charta is a writ that lies for him that is infeoffed with warranty, and is afterwards impleaded in an Assise or other action in which he cannot vouch, then he may have this writ against the feoffor or his heirs, to compell them to warrant the land unto him. And see of this Fitz. N.B. fol. 134. D.

Warren.

Warren, is a place privileged by prescription or grant of the King for the preservation of Hares, Conies, Partridges, and Pheasants, or any of them.

Warwit.

Warwit, (or Wardwit, as some copies have it) that is to be paid of giving of money for keeping of wards.

Wast.

Wast, is where tenant for term of years tenant for term of life, or tenant for term of another's life, tenant in dower, or tenant by the curtille, or guardian in Chivalry both make wast, or destruction upon the Land that is to say, pull down the house, or cut

ques il poit aver cest briefe direct as Justices, que ils ne record luy estre en default par son non appareant. Et veies de ceo Fitz. N.B. fol. 17. A. & pur le forme del briefe veies Glanville auxy, lib. 1. cap. 8.

Warrantia charta.

Warrantia charta est un bre que gist pur cestuy que est infeoffe ove garranty, & est apres implead en un Assise ou autre action, en quel he poit vouch, donques il avera cest briefe vers le feoffor, ou son heirs, par compell eux de garantir le terre a luy. Et veies de ceo Fitz. N.B. fol. 134. D.

Warren.

Warren, est un lieu privilegé per prescription ou graunt del roy pur le preservation del Leverets, Cunicies, Perdices, & Pheasants, ou aucun de euk.

Warwit.

Warwit, (ou Wardwit, come alguns copias ad ceo) hoc est quicunq esse de danariis dandis pro wardis faciendis.

Wast.

Wast, est lou tenant a terme dans, tenant a terme de vie, ou tenant per terme d'autre vie, tenant en dower, ou tenant per le curtille, ou gardein en Chivalry fait wast ou destruction sur la terre, cest a savoir, si destruit meason, ou coupe merlise, ou suster le meason,

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meason voluntarie pur eschier, ou foder la terre, donques cesty en le reversion a vera un brieve pur cest wast, & recovers le lieu ou le waste fait fait, & treble damages.

Et si home coupe merisme sans licence, & ovesque ceo repaire les ancient measons, uncore ceo nest pas wast. Mes si il ovesque le merisme edifica un novel meason, donques le couper p tel merisme est wast. Aunc le couper de subboys ou Willows, que nest pas merisme, ne serra dit wast, sinon que croissent en le view ou scit del meason.

Wharfe.

Wharfe est un parol use en lestatute de 1. Eliz. cap. 11. & en autres statutes, & est un ample lieu procheine al creek ou hiche del eave sur que biens & wares sont jects, queux sont desti eships & transports del un lieu al autre.

Withernam.

Withernam est le prisure ou chaser dun distresse a un forresse, ou hors del County, issint que le Viscount ne poit sur replevin faire deliverance de ceo al party distraine, en ql case un brief de withernam est direct al Viscount pur le prisel de tants de ses avers que issint il loyalmment distraine, ou tants de ses biens en son custody, lesque il ad fait deliverance de le primer distresse.

with downe timber, or suffereth the house willingly to fall, or diggeth the ground, then he in the reversion shall have one writ for that wast, and shall recover the place where the wast is done, and treble damages.

And if a man cut downe timber without licence, and thereafter repaireth old houses, yet that is no wast. But if he with the timber build a new house, then the cutting downe of such timber is wast: also the cutting downe of under wood, or willows, which is no timber, shall not be said to be wast, but if they grow in the sight or shadowe of the house.

Wharfe.

Wharfe is a word used in the statute of 1. Eliz. cap. 11, and other statutes, and it is a broad place neare to a creek or hiche of water, upon which goods and wares are laid, which are to be shipped and transported from place to place.

Withernam.

Withernam is the taking or detaining of a distresse out of the County, so that the Sheriffe cannot upon replevin make delivery thereof to the party distrained, in which case a writ of Withernam is directed to the Sheriffe for the taking of as many of his beasts that did thus unlawfully distraine, or as much goods of his into his keeping, untill he hath made deliverance of the first distresse.

Wille. If the beaſt be in a ſtreet or Caſtle, the Sheriffe may take with him the power of the County, and beat down the Caſtle, as appeareth by the ſtatute of Weſtmint. 1. chap. 20. Brit. chap. 27.

Woodgeld.

Woodgeld ſignifieth to bee the gathering or cutting of wood within the foreſt, or money paid for the ſame to the foreſters. And the immunity from it by the Kings grant, is by Comp. f. 197. called Woodgeld.

Woodmote.

Woodmote is the old name of that Court of the foreſt which is now ſince the ſtatute of Charta de Foreſta, called the court of Attachments, & by that ſtatute is held every ſeventh day, but was wont to be held at the will of the chiefe officers of the foreſt, & at no certaine time. See Manwoods For. lawes chap. 22. fol. 207.2.

Woolferthfod.

Woolferthfod is the condition of ſuch which were ſlaved in the Saxons time, by not ſubmitting themſelves to juſtice, for if they could be taken alive, they ſhould be brought to the King, & if they in fear of apprehenſion did defend themſelves, they might be ſlaine, and their heads brought unto the King, if they carried a wolfs head, that is to ſay, their head was no more ſo be accounted of than a

Auxy ſi les avers ſont en un Fordeſt ou Caſtle, le Viſcount puit prendre avec luy le power del Countey, & debruſer le Caſtle, come de Weſt. 1. ca. 20. Brit. cap. 27.

Woodgeld.

Woodgeld ſemble deſtre le collection ou ſuccider de boys deins le Foreſt, ou argent priſe par meſme al uſe des foreſters. Et le privilege de ceo per le grant le roy, eſt p. Crom. fol. 147. appel Woodgeld.

Woodmote.

Woodmote eſt le vicle noſm de ceo Court del Foreſt que a ore. apres le Statute de Charta de Foreſta, eſt appel le Court des Attachments, & p. ceo Stat. eſt tenuſ chesun 40. jours, mes ſoloit deſtre tenuſ al volunt des chief officers del Foreſt, & nemy al aucun temps certain. Veſſe Manwood For. ley. cap. 22. fol. 207.2.

Woolferthfod.

Woolferthfod eſt le condition de tiels que fuerent udage en le temps del Saxons, par nient ſubmitterant eux mes al juſtice, car ſils poient eſtre priſe en viſe, ils ſerrieroient port al Roy, & ſils en paver d' apprehenſion eux meſmes defenderont, ils poient eſtre tue, & leur teſtes port al roy; car ils porteront le teſte dun Woolf, ceſt adire, leur teſte ne fuit plus deſſi regard q. le teſte du Woolfe,

Woolfe, que fuit un beaft cy
torcions al homes. Veies le
leyes del roy Edward par Mon-
fieur Lambert fol. 127. nu. 7. & Bracton lib. 3. Tract. 2. cap. 11. &
ceco est clerice *Wulfehead* per
Roger Hoveden, part. poster. an-
nal. fol. 343.

Wrecke.

Wrecke, ou Varoch. (come
les Normans l'ont que il
vint, appellent ceo) cest quant
un nief est pish sur le mere; &
nul home escape vive hors d'i-
nief, & le pish, ou piex del nief
issent pish, ou les biens del nief
vient al terre d'alcun Shire, le Shire
les avera come un wreck d'le
mere. Mes se un hom, ou un
cheval, ou carco, escape vive issint
d'le party a q' les biens sont
veigne deins l'ea & jour, &
proove les biens de l'ea, il
avera l'ea, l'ere, per provision
del Seignour de Westm. 1. cap. 4.
fait en des jours del roy E. 1.
que en ceo followed le decree
de Hen. 1. devant que jours si
un Nief ad estre jett sur le
shore, torne ove tempest, &
neim repaire per eux q' esca-
pout en vie deins un certaine
temps, que donques ceo fuit
pille come Wrecke.

Wolfe head, being a bea-
st hurtfull to man. See the law
of King Edward by
Lambert fol. 127. nu. 7. & Bracton
lib. 3. Tract. 2. cap. 11. this is
written *Wulfehead* by Ro-
ger Hoveden, part. poster. Annal.
fol. 343.

Wrecke.

Wrecke, or Varoch. (as the
Romans from whom
came, call it) is where a ship
perished on the sea, & no man
escapeth alive out of the same
the ship, or part of the ship
so perished, or the goods of the
ship come to the Land of any
Lord, the Lord shall have them
as a wrecke of the sea. But
if a man, or a dog, or a cat,
come alive, so that the party
within a year & a day, & prove
the goods to be his, he shall have
them againe, by provision of the
statute of Westm. 1. made in
King Ed. 1. dayes, to whiche then
followed the decree of H. 1. before
whose dayes, if a ship had been
cast on shore, & not with tempest
& were not repaired by such a
escaped alive within a certain
time, then then this was taken
for wrecke.

FINIS.

Some loamy & stams

Richard Clutterbucke
H. Don. of Don. of Don. of Don.